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PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

SENATE—*Wednesday, June 29, 1994*

(Legislative day of Tuesday, June 7, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Reverend Oliver Dewayne Walker, Phillips Temple C.M.E. Church, Indianapolis, IN, offered the following prayer:

Let us pray:

If my people who are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin and will heal their land.—II Chronicles 7:14.

Eternal God our Creator, source of truth and justice, we are ever thankful to You for Your love, mercy, and grace. We look to You as the source of all our blessings. We praise You O God for the orientation we receive regarding You from our families, our religious communities, our heritage, from the foundation of this great Nation, and from nations that the myriad cultures we find represented in our country. We applaud the many persons who labor for righteousness, justice, freedom, and concerns for all humanity. The challenges we face as a nation can be dealt with O God as we have managed in the past. First, we place total confidence in You. Second, we rely on our ability to do the best in quality, and third, we have learned that a strong spirit of working together with all persons brings victory. Ever increase our sensitivity to the pain, violence, racism, hate, and greed that is ever present. That we may do all in our power with You working through us to erase these wrongs in society. Bless our lawmakers here today. We thank You for hearing and granting these requests. In and through Thy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PRODUCT LIABILITY FAIRNESS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 687, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 687) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dorgan-Moseley-Braun Amendment No. 1895, to eliminate provisions limiting punitive damages concerning certain drugs and medical devices and certain aircraft and components.

The ACTING PRESIDENT pro tempore. The time until 10 a.m. shall be equally divided and controlled by the Senator from South Carolina [Mr. HOLLINGS] and the Senator from West Virginia [Mr. ROCKEFELLER], or their designees.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mr. GORTON. Madam President, I will be the designee, and I ask unanimous consent to have printed a letter to me from Mothers Against Drunk Driving with respect to the debate on the amendment adopted yesterday approving that amendment withdrawing any objections that organization might otherwise have had to the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MOTHERS AGAINST DRUNK DRIVING,
Irving, TX, June 28, 1994.

Re: S. 687.

Hon. SLADE GORTON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GORTON: In my letter of June 22 to you and all Senators, I expressed MADD's concern about the potential adverse impact of S. 687 on dram shop actions in state courts. While MADD has not taken a position in support of, or opposition to this bill as a whole, we were concerned about what we perceived as unintended consequences of the bill. Our Public Policy department at the National Office has been in contact today with Senator Danforth's staff concerning proposed amendments to the bill, aimed at clarifying that the bill does not preempt dram shop laws or dram shop actions. We have also reviewed the proposed amendment submitted by you, Senator Rockefeller and Senator Lieberman.

Subject to introduction and adoption of an amendment(s) setting forth that civil actions seeking recovery under dram shop laws/statutes, or seeking recovery from a seller of alcohol products on the theory of common law negligence, are not subject to this act; MADD withdraws its objections to Senate consideration of S. 687.

MADD greatly appreciates your response to our concerns.

Sincerely,

REBECCA A. BROWN,
National President.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. HEFLIN. Madam President, I suggest the absence of a quorum and ask that the time be equally divided.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the Senate proceed to vote on the Dorgan amendment to Senate bill 687.

Mr. HEFLIN. We object.

The ACTING PRESIDENT pro tempore. There is objection.

Mr. ROCKEFELLER. There being objection, and since we cannot proceed to the amendment, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I rise today in opposition to S. 687. This is a very complex piece of legislation which could have a harmful effect on the lives of millions of Americans. If enacted, the bill would hurt consumers in Washington State, and throughout the Nation.

I am not a lawyer and do not wish to discuss the legal intricacies of the bill. However, I do want to raise some very serious, commonsense problems I have with this legislation.

I am deeply concerned about the bill's potential to disproportionately harm women. It would restrict their ability to recover for injuries caused by defective products. Women have been the victims of many of our Nation's most severe drug and medical device disasters. DES, Dalkon shield and Copper-7 IUD's, and silicone breast implants are just three examples.

S. 687 would eliminate the possibility of punitive damages if the Food and Drug Administration approved the drug or device. The courts would be forced to treat FDA approval as a guarantee of product safety. Given that drugs and devices with FDA approval have killed and injured consumers, relying on FDA regulation alone is inadequate consumer protection. The threat of punitive damages is an important mechanism to keep dangerous products off the market.

S. 687 also would abolish joint and several liability for noneconomic damages—compensation for intangible losses such as fertility, disfigurement, and pain and suffering. By making noneconomic damages more difficult to recover, S. 687 places less importance on a women's loss of her ability to bear children, or the disabling of a child, than on a corporate executive losing his salary.

It is not fair to only require the victims of noneconomic damages to bear the burden of pulling all the defendants who caused them harm into court. Joint and several liability allows injured victims to receive full compensation, and leaves it to the guilty defendants to divide the damages appropriately among themselves. It is much fairer to place this burden with the guilty parties than with those who are injured.

Madam President, Senator KOHL attempted to introduce more fairness into this bill earlier today. Restricting the ability of Federal courts to sanction secrecy in cases affecting public health and safety is a noble goal. I was proud to join him as a cosponsor of his antisecrecy amendment, and I am sorry that the amendment was not adopted.

The settlement of the Stern case in 1985 by Dow Corning is illustrative of why such change is necessary. As a result of a secret settlement agreement, Dow Corning was able to hide its decade-old knowledge of the serious health problems its silicon breast implants could cause for 6 additional years. The damaging information did not become public until the FDA launched a breast cancer implant investigation in 1992. In the interim, nearly 10,000 women received breast implants every month, and countless women were harmed.

Madam President, S. 687 would not only disproportionately harm women, it would also deprive injured consumers in my home State of Washington of rights they currently have. This is significant because Washington has one of the most conservative tort law scheme's in the Nation.

This bill would reduce the statute of limitations in my home State of Washington from 3 years to 2 years. Injured consumers would have less time in which to file lawsuits when they are harmed by dangerous products.

The bill would reduce the number of situations in which product sellers can be held liable in Washington State.

And, the bill would abolish joint and several liability for noneconomic damages currently available in Washington when the injured person has not contributed to her injury.

Madam President, I have serious concerns about S. 687 and cannot support passage of this bill as currently drafted. I urge my colleagues to think long and hard about consumer health and safety, as well as the potential impact of this bill on women.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HEFLIN. Madam President, I yield myself such time as I may take.

The ACTING PRESIDENT pro tempore. Is the Senator the designee of the Senator from South Carolina?

Mr. HEFLIN. Yes.

The ACTING PRESIDENT pro tempore. So we may proceed, and the Senator from Alabama is recognized.

Mr. HEFLIN. Madam President, this debate has gone on for a good while, and there has been almost every conceivable subject discussed as it would relate to the issue at hand. I do not want to be repetitious and redundant and repeat a lot of things. But, nevertheless, there are some things that, maybe put in a different perspective, ought to be considered.

We have had a lot of discussion on women's rights involved in this legislation. I think it would be appropriate to consider what has happened in the judicial system in the civil arena of the courts over the years relating to women's rights.

When I first started practicing law not too many years ago, relatively speaking, there were no women on the juries. There were very few women lawyers. I was in law school in 1946 through 1948 at the end of World War II. Most of the students were veterans of World War II and had returned. I believe that probably out of 600 that were in law school with me at the time, there were probably six women. Today you go to law schools and you will find that probably 50 percent or more are women.

Certainly as to juries, the average jury you see in the box, if it is not a majority of women, there are a goodly number there that are in the jury box. There are many women trial lawyers, and as to the judges today many judges are women.

But somehow or another relative to product liability, there seems to be a much larger number of women who are affected by certain defective products. We have had a list presented here, the Dalkon shield, high-absorbent tampon linked to toxic shock syndrome, and numerous others.

When I look at this bill, I do not think it was intended necessarily by the authors of the bill, not certainly the Members of the Senate or their staffs, because this thing has been drafted and redrafted over the 16 or 17 years that it has been here. Nevertheless, there are numerous instances that affect women probably more so than men.

Of course, the one that has caused such a debate among the various women's groups has been the approval of the language in there dealing with FDA and the premarket approval, giving a complete excuse against punitive damages. But the joint and several liability issue on noneconomic damages likewise affects women much more so than men in regards to activities that would go on.

It just seems that what has happened really, this bill has not grown with the changes. It has inherent things that you do not always articulate or see exactly that have stayed in it since it was first drafted 16 and 17 years ago, and there has not been an evolution and recognition of women's rights and women's protection that should be included or how it might affect women.

These things are built in, and every time I read it I keep finding language that seems to discriminate against children, the elderly, or women involved in it.

I think that mindset took place years ago, 16 or 17 years ago, or 18 or 19 years ago. I think Senator HOLLINGS indicated that there was the first effort in drafting this when it was presented, which was about 1974 or 1975, or something like that, I just do not think it has evolved as we have moved forward.

There are other aspects of this that I do not want to go through a lot of repetition dealing with. There are things that I have not articulated, but nevertheless I think are important that we consider. Other people may have, and maybe I can give a little different viewpoint to it relative to some of the matters pertaining to it.

Some of these deal with the issue of whether or not it is going to lower any cost to business. There have been hearings numerous times in which there have been representatives of the American Insurance Association and they have clearly made known that this bill is not going to affect insurance rates. There have been studies over the years that indicate that really product liability costs are a negligible part of the overall cost relative to business.

The Conference Board survey of risk managers of corporations show that product liability costs for most businesses are 1 percent or less of the final product. A Rand Corp. study found that only 9 out of every 1,000 manufacturers were named in any product liability suits in any given year. The survey states that available evidence does not support the notion that product liability is crippling American business.

I am going to talk a little further. I want to reserve the time for some of the others that will be coming to the floor, so I suggest the absence of a quorum.

I ask unanimous consent that the time be equally charged for the quorum call.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORTON. I ask unanimous consent that the Senator from Pennsylvania be permitted to speak as if in morning business. For how long?

Mr. SPECTER. Ten minutes.

Mr. GORTON. To be equally divided on this current debate.

The ACTING PRESIDENT pro tempore. Is there objection? There being none, the Senator from Pennsylvania is recognized to speak in morning for 10 minutes.

Mr. SPECTER. I thank the Chair and I thank my colleague from Washington for permitting this 10 minutes as if in morning business in the absence of any proceeding pending before the Senate on the issue of product liability.

HEALTH CARE

Mr. SPECTER. Madam President, I have sought recognition for a few moments this morning to talk about an important report from the General Accounting Office on the cost relating to the administration of President Clinton's health care program.

When the President submitted legislation, ranging some 1,342 pages, Senator HARKIN and I—Senator HARKIN being the chairman of the Appropriations Subcommittee on Labor, Health, Human Services, and Education, and I being the ranking member—submitted a letter, dated November 30, 1992, to the Comptroller General, Charles Bowsher, asking for a cost estimate on the administration of the Clinton health care program. This was requested because of the complexity of the Clinton health care program.

By letter dated June 15, 1994, the General Accounting Office responded and, in effect, said that they could not verify the administration cost of $5.4 billion over a 5-year period because the Office of Management and Budget, which had prepared the cost estimate, was doing so out of the range of their ordinary responsibilities. And, to quote directly from the conclusion of the Office of Management and Budget, they stated the following:

> OMB staff did not provide us complete information about the underlying assumptions they used to estimate the Federal costs for the Health Security Act [HSA] startup and administration. The staff of OMB stated that they did not follow their normal budget estimating process. They made the budget estimates in a short timeframe and based them on proposed legislation that did not have responsibilities for some of the functions clearly defined. OMB staff said they did not document their estimating assumptions and were reluctant to discuss the details of their work.

Madam President, I suggest to you that this OMB report on estimating cost is very important because of the obviously tremendous costs associated with administering the Clinton health care plan.

When I first read the Clinton plan, I was surprised at the number of agencies, boards, and commissions which were created, and asked a staff member, Sharon Helfant from my office, to prepare a list. Instead of preparing the list, Sharon Helfant prepared a chart, which I have talked about on the Senate floor before, but it is worth reviewing today, because, at a glance, it shows the enormous complexity of President Clinton's health care program.

Every box in red is a new agency, board, or commission. There are 105 of those red boxes on this chart. Every box in green is an existing bureau or agency which is given a new administrative job. There are 47 existing agencies which are given new tasks.

This chart appeared in a full-page spread in the Washington Times on December 22, 1993. It was also used by Senator DOLE in his reply to President Clinton's State of the Union speech in late January. As a result, the White House issued a release that the chart was inaccurate, notwithstanding the fact that in every one of these boxes there is a specific page reference to the Clinton health care plan.

It is obvious, on the face of this kind of a complex administrative bureaucracy, that the Clinton health care plan is going to be enormously costly to administer.

That is the reason Senator HARKIN, in his position as chairman of the Subcommittee on Labor, Health, Human Services, and Education, and I, as ranking Republican, asked for this cost estimate.

The General Accounting Office has the responsibility to provide to the Members of Congress information to analyze, corroborate, or dispute figures which are released by the administration.

I must say, Madam President, that it is distressing to note in the GAO report that the Office of Management and Budget, which prepared these cost estimates, did not have any real basis for its determination and would not provide GAO with the available backup material which estimated the cost to be $5.4 billion. This estimate, on its face, is not worth very much because of the underlying inadequacies of the analysis.

The GAO report shows that the OMB decisions were made, and, as it says here:

> The staff was given a very short time frame to develop the estimates. The staff said that they did not document the assumptions they used and, in our discussions with them, they [the OMB staff] would not fully discuss the details of their estimating strategy.

The GAO report further discloses that:

> OMB did not provide cost estimates for each detailed Federal administrative function.

And further in the report:

> OMB staff did not determine the Federal full-time-equivalent employee requirements for the HSA implementation.

That is the implementation of the statute.

At this juncture, we all know that many committees of the Congress are working very hard to try to come forward with legislation, and it is obvious that the cost factor is very important in our congressional determination. So I call on OMB, the administration, and

the President to come forward with some realistic estimate as to what the cost will be.

It is my thought, and the thought of many other people, that this kind of administrative bureaucratic setup, with 105 new agencies, boards, and commissions, and new jobs for 47 existing agencies, is going to cost billions of dollars.

That is why I have introduced alternative legislation, Senate bill 18, which retains our current health care system—a system that provides the best health care in the world to 86.1 percent of the American people. My legislation targets the specific problems: Coverage for the 37 million Americans now not covered; portability—that is when a person changes jobs; coverage for preexisting conditions; and factors which will lead to cost reduction by dealing with, for example, low-birth-weight babies, children who are born weighing a pound, 18 ounces, 20 ounces, by providing prenatal care. When those children come into the world, they are human tragedies carrying scars with them for their entire lives. Each child costs an estimated $150,000 by the time he or she leaves the hospital. So it involves multibillion-dollar costs to a health care system. My bill, Senate bill 18, deals with other savings on terminal care costs and on managed health care.

It is my hope we will pass health care legislation this year. As I have said on the Senate floor, I agree with the President's objective of providing health care insurance for all Americans. But I do not agree with the massive, cumbersome bureaucracy which he has proposed. I think the administration has a duty—an absolute, positive, mandatory duty—to tell us what this proposal is going to cost. That is a threshold question.

There are many questions which we cannot answer as to how the plan is going to play out. But as to what the bureaucracy will cost, they ought to tell us. When the General Accounting Office makes a report and says that OMB has provided an inadequate basis for a cost estimate of $5.4 billion—not that $5.4 billion is chopped liver; it is a lot of money—then OMB and GAO should not have the ability to do the estimate. They did not outline their assumptions. They did it in a short timeframe. They have no basis for the figure which they have come to. Congress, therefore, cannot have confidence in their estimates on the cost of the Clinton health proposal.

So I am hopeful we will yet have some realistic appraisal by the administration. I think if and when we ever get the true figure, it is going to be an enormous cost which will further undercut the viability of the President's health care program.

Madam President, I ask unanimous consent that a copy of the letter from Senator HARKIN and myself to Mr. Bowsher, dated November 30, 1993, and a copy of the GAO report dated June 15, 1994, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 30, 1993.

Mr. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, General Accounting Office Building, Washington, DC.

DEAR MR. BOWSHER: We are writing concerning the recent introduction of the Health Security Act, the President's comprehensive legislative proposal to extend affordable health care coverage to all Americans and to implement reforms to improve the quality and efficiency of the health care system. While we concur in the broad objectives outlined in the plan and look forward to working with the President and the relevant legislative committees, we believe that a careful analysis of all aspects of the proposal is essential.

As the Chairman and Ranking Member of the Senate Appropriations Subcommittee which has jurisdiction over funding for discretionary health programs, we are particularly interested in an analysis of the federal costs required to set up, administer and support the programs authorized in the legislation. This analysis is especially important given the action by the Congress to freeze discretionary appropriations over the next 4 years. We, therefore, request that the General Accounting Office conduct an in depth analysis by agency of the federal costs of administering the new health care system, and of fully funding the new and expanded authorizations of discretionary programs outlined in the legislation. The study should also examine the impact of these expenditures on overall health care spending.

Your prompt attention to this request is appreciated.

Sincerely,

TOM HARKIN,
Chairman,
Labor, HHS and Education Subcommittee.
ARLEN SPECTER,
Ranking Member.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, June 15, 1994.

Hon. ARLEN SPECTER,
Ranking Minority Member, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR SENATOR SPECTER: In November 1993, the President released his detailed legislative proposal for national health care reform. The proposed Health Security Act (HSA) is a comprehensive plan to provide universal health insurance for a broad range of services. The President's 1995 budget request to the Congress includes a $5.4 billion estimate of the federal expense to start up and administer the proposed new health care system over 6 years.

Concerned about how the administrative costs of implementing the proposed new health care system would be funded, given the limit Congress placed on discretionary appropriations,[1] you asked that we determine what justifications the administration used to support the federal administrative cost estimates that appear in the President's 1995 budget. Specifically, you asked that we identify the federal administrative functions that were considered and determine the underlying assumptions used to derive the estimated costs. On April 29, 1994, we briefed your staff on the results of our work.

In summary, the Office of Management and Budget (OMB) identified the federal functions required to implement the proposed HSA and estimated the federal administrative costs of starting up and supporting these functions over 6 years. OMB staff said that pricing out the proposed HSA was difficult. The staff attributed the difficulty in estimating the federal administrative costs to primarily two factors: (1) decisions had not been made about what entity would carry out some of the functions and (2) the staff was given a very short time frame to develop the estimates. The staff said that they did not document the assumptions they used and, in our discussions with them, they would not fully discuss the details of their estimating strategy. As a result, we could not reconstruct the information for you.

FEDERAL ADMINISTRATIVE COSTS TO IMPLEMENT HSA

OMB was responsible for identifying the federal administrative functions to implement the proposed HSA and for developing the administrative cost estimates that appear in the President's fiscal year 1995 budget. Normally, OMB does not independently prepare cost estimates for proposed legislation.[2] In this instance, however, OMB's budget examiners, not the executive branch departments or agencies, estimated the federal administrative costs for the administration. Moreover, while these estimates of federal costs appeared in the President's fiscal year 1995 budget, preparing them was conducted outside OMB's normal budget estimating processes.[3] OMB staff stated that they were asked to estimate the cost of the proposed bill in a very short time frame. Also, there was some uncertainty about whether some of the functions under the proposed new health care system would be carried out by the federal government, the states, or the proposed alliances. OMB staff stressed that these factors made estimating the federal administrative costs very difficult.

FUNCTIONS IDENTIFIED AND ANNUAL COSTS ESTIMATED FOR 6 YEARS

OMB staff identified the specific detailed federal administrative functions required under HSA and estimated the implementation cost of these functions rather than by a department or other entity such as the National Health Board (NHB) that would be responsible for the function. OMB did not provide cost estimates for each detailed federal administrative function. Instead, OMB grouped the detailed administrative functions and provided us annual federal cost estimates by four functional categories: (1) Information Systems and Quality Assurance, (2) Monitoring of States and Alliances, (3) Program Oversight and Financial Management, and (4) Transition to the New System. The estimates are of new or add-on costs. Table 1 shows, by these four functional categories, OMB's estimates of the federal administrative costs for implementing HSA over 6 years. Estimates of federal administrative costs for 1995 through the year 2000 totaled $5.4 billion. OMB staff did not determine federal full-time-equivalent employee requirements for HSA implementation.

Footnotes at end of article.

TABLE 1.—PROPOSED HEALTH SECURITY ACT—OMB'S ADMINISTRATIVE COST ESTIMATES FOR FEDERAL FUNCTIONS

[Dollars in millions]

Functional categories	Fiscal year						1995–2000
	1995	1996	1997	1998	1999	2000	
Information Systems and Quality Assurance[1]	$915	$95	$94	$81	$81	$81	$1,347
Monitoring of States and Alliances[2]	40	92	174	241	272	279	1,098
Program Oversight and Financial Management[3]	77	178	194	226	226	230	1,131
Transition to the New System[4]	247	527	726	353	7	8	1,868
Total, HSA start-up and administration	1,279	892	1,188	901	586	598	5,444

[1] HSA specifies that the Federal Government would help develop and maintain a health information network; establish a National Quality Management Program; provide technical assistance to alliances, states, and health plans; and set standards to implement privacy protections, malpractice reforms, and administrative simplification measures.

[2] Under HSA, the Federal Government would oversee key state and alliance functions. The Federal Government would monitor alliance financial operations (including audits of alliances); ensure that plans and alliances conform to applicable regulatory requirements; make certain that employers make premium contributions and provide insurance through qualified plans; oversee the administration of premium targets; monitor and audit employer subsidies; and back up state guarantee funds.

[3] Federal responsibility under HSA would include development of rules and standards for the overall financial oversight of the new system. The pricing reflects several oversight functions, including update of the comprehensive benefits package, examination of new drug prices, development of rules for health plans, monitoring of alliance grievance procedures, development of a risk adjustment system, monitoring health care prices and expenditures, and supporting antitrust reform and fraud and abuse preventive activities.

[4] The Federal Government would help states make the transition to the new system. The Federal Government would administer planning and start-up grants, issue standards for health plans during the transition, process state waivers, and administer a national risk pool for the uninsured during the period prior to phase-in of universal coverage.

Source: Analytic Perspectives, Budget of the United States Government, fiscal year 1995; and OMB staff.

In discussions with us, OMB staff added the following qualifiers to the federal cost estimates they developed for HSA start-up and administration:

Administrative costs associated with providing health security cards are not included in the estimates because OMB staff assumed this would be an alliance function rather than federal function.

Start-up costs are reflected in the first 2 years (1995 and 1996).

The $1.279 billion estimate for 1995 costs was designated PAYGO.[4] OMB staff told us that this was done because the estimated costs would exceed the discretionary spending cap for that year. The administration suggested that revenue from a tobacco tax would be used to fund these costs.

NO RECORD OF ESTIMATING ASSUMPTIONS

OMB staff told us that they did not document the assumptions they used to estimate federal costs for HSA start-up and administration, and they would not reconstruct the information for us. In discussions with us, OMB staff provided sketchy information about the assumptions used to cost-out the detailed federal administrative functions they identified in the proposed HSA. In some cases, they extrapolated from existing functions. Where they extrapolated or used proxy measures, however, they did not disclose any dollar values associated with their analyses. Furthermore, they did not provide any information on analyses they conducted that showed the difference in magnitude, if any, between the proxies they used and the proposed federal administrative functions. OMB staff provided some information about their estimating assumptions and the rationale they used in costing out the federal administrative functions for implementing the proposed HSA (see enclosure).

In conclusion, OMB staff did not provide us complete information about the underlying assumptions they used to estimate the federal costs for HSA start-up and administration. The staff stated that they did not follow their normal budget estimating process. They made the budget estimates in a short time frame and based them on proposed legislation that did not have responsibilities for some of the functions clearly defined. OMB staff said they did not document their estimating assumptions and were reluctant to discuss the details of their work.

To identify the federal functions and determine the estimating assumptions the administration used, we met with staff from OMB and the Department of Health and Human Services (HHS).[5] HHS officials told us they had no involvement in estimating the federal costs and did not know what estimating assumptions OMB used. As agreed with your staff, we did not attempt independently to estimate the federal costs of administering the proposed new system or measure the impact of the expenditures on overall health care spending. Also, we did not evaluate the appropriateness of the estimating assumptions used. We conducted our work from February to May 1994 in accordance with generally accepted government auditing standards.

OMB officials reviewed a draft of this correspondence and offered some technical changes. We made the technical changes as appropriate.

We are sending copies of this correspondence to the Chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Senate Committee on Appropriations, and the director of the Office of Management and Budget. We will also make copies available to others on request.

Please contact James O. McClyde, Assistant Director, at (202) 512–7119, if you have any questions about this letter.

Sincerely yours,

SARAH F. JAGGAR,
(For Mark V. Nadel, Associate Director, National and Public Health Issues).

Enclosure.

PROPOSED HEALTH SECURITY ACT—INFORMATION OMB PROVIDED ABOUT ESTIMATING ASSUMPTIONS THEY USED TO COST OUT FEDERAL ADMINISTRATIVE FUNCTIONS

(By functional category)

Information Systems and Quality Assurance:

About 60 percent of 1995 costs is for start-up of this function.

Standard-setting would be a major part of this function.

The federal government would not build new data systems because existing systems can be expanded.

Private sector data systems that could be used include Blue Cross and Blue Shield's electronic claims system.

Analogues considered in pricing this function were resources of the Health Care Financing Administration (information systems) and the Social Security Administration (system resources), and data from the Agency for Health Care Policy and Research (quality management data) and the Aid to Families With Dependent Children program (quality control data).

NHB will probably contract out any additional work it is responsible for under this function.

DOL's responsibilities would be very small.

Monitoring of States and Alliances.

About 50 to 75 percent of 1995 costs would be for standard-setting.

Most of the total cost would be for federal staff to monitor alliances and employers.

It is not very likely that DOL would have to take over corporate alliances, so a very small cost was included for readiness.

Program Oversight and Financial Management:

About 10 percent or less of 1995 costs would be for start-up.

Many main NHB functions would be included.[6]

Some standard-setting would be included along with ongoing activities such as updating the benefits package.

Most of the costs would be for federal staff, including a small HHS staff to monitor health care prices and expenditures[7] and the HHS Inspector General's office to conduct fraud and abuse reviews.

It is not very likely that HHS would have to take over alliances, so a small cost was included for readiness.

Transition to the New System:

About 90 percent of the costs would be associated with setting up and administering a national risk pool and for grant administration.

FOOTNOTES

[1] The Budget Enforcement Act of 1990 (BEA) contains procedures designed to enforce the deficit reduction agreement. The act divides the budget into two mutually exclusive categories: (1) discretionary programs and (2) direct spending. The act also provides pay-as-you-go (PAYGO) procedures for legislation affecting direct spending or receipts. For 1991 through 1995, among other provisions, the act limits discretionary spending. The Omnibus Budget Reconciliation Act of 1993 extended the discretionary spending limits through 1998.

[2] OMB is responsible for cost estimates used in the President's budget and for enacted legislation to meet the requirements of BEA. OMB is also responsible for pricing legislative proposals on behalf of the administration. However, in fulfilling these responsibilities, OMB generally relies on executive branch agencies to prepare initial cost estimates. OMB budget examiners then review and modify these estimates as needed.

[3] Under the normal executive budget formulation process, beginning in the fall, OMB works closely with agencies to prepare cost estimates of agency activities to be incorporated in the President's budget. As agencies prepare their budgets for submission to OMB, they maintain continuing contact with OMB budget examiners. OMB also provides agencies detailed instructions for preparing submissions through Circular A–11. This process is more fully described in appendix I of A Glossary of Terms Used in the Federal Budget Process (GAO/AFMD–2.1.1).

[4] Under BEA, PAYGO requirements stipulate that any new legislation that increases direct (mandatory) spending or decreases receipts be deficit neutral (that is, not increase the deficit). For discretionary programs, the act establishes discretionary spending caps or limits. These measures are designed to reduce or limit the growth in the federal budget deficit. BEA rules require that new accounts

or activities be categorized in consultation with the House and Senate Committees on Appropriations and the Budget.

[5]We interviewed officials from HHS' Offices of the Assistant Secretary for Program Evaluation and Assistant Secretary for Management and Budget.

[6]OMB did not use analogues/proxies for estimating NHB costs. They assumed a staff of about 30 people and one auditor per alliance for financial monitoring. OMB officials talked about the Federal Reserve Board and the Securities Exchange Commission as possible models for costing-out the NHB financial management responsibilities.

[7]The Health Care Financing Administration already publishes some health care price data.

Mr. SPECTER. I thank the Chair, and again I thank my colleague from Washington.

I yield the floor.

PRODUCT LIABILITY FAIRNESS ACT

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HEFLIN. Parliamentary inquiry; what is the remaining time for each side?

The ACTING PRESIDENT pro tempore. The time remaining to the Senator is 9 minutes, I am told.

Mr. HEFLIN. How much is on the other side?

The ACTING PRESIDENT pro tempore. They have 18 minutes.

Mr. HEFLIN. I will yield 3 minutes to the Senator from Iowa [Mr. HARKIN].

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 3 minutes.

Mr. HARKIN. Madam President, I thank the Senator for yielding me the 3 minutes. I did have a longer statement in opposition to this bill.

Let me just summarize it very briefly. I will take time, hopefully after this next cloture vote at 10 o'clock, to expound more fully upon my opposition to the elements that are in this so-called product liability reform bill. And I am hopeful, of course, that at 10 o'clock, when the vote occurs, we will have sufficient votes to, again, keep the debate going.

For many years, there have been those who want to take away the centuries-old protections that the little person has against powerful forces. The centuries-old doctrine that people have to act wisely and prudently and with due care and concern, and that people will be held responsible if they act recklessly and carelessly in their manufacture of articles is to be thrown out the window with this bill.

For years, the proponents, who want to do that, have been saying we have not had a chance to debate it. Now we have a chance to debate it. Now they want to cut off debate. They want to invoke cloture so those of us who have amendments to offer to the bill, and Senator LAUTENBERG and I do have a very meaningful amendment to offer to this bill, will be foreclosed from offering those amendments and debating them because of the rules under cloture.

So I find that just one of the double standards that the proponents of this bill are using. Because, Madam President, this bill in itself sets up a double standard. There is one standard if you are a manufacturer, if you are a business concern, a corporation; another standard if you are just one of the little people of this country who happens to get injured by a product.

Under this bill, as it is designed right now, let us say an airliner crashes and the next of kin sues. There are limits on what that person can recover for surviving family members, for example. But let us say if it was, to use an example, American Airlines—I hate to pick them out; I just picked out an airline—they could go back and sue Boeing Aircraft with no limits. So in terms of a business suing another business, there are no limits as to what they can sue for in terms of product liability. But for the little person, they put the limits on.

The ACTING PRESIDENT pro tempore. The Senator has spoken for 3 minutes.

Mr. HARKIN. That is just one of the double standards in this bill. I have several more. I hope after the 10 o'clock vote, I will be able to expound more fully on the double standards in this bill.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I did not hear entirely the words of the Senator from Iowa, but those that I did hear were stunning because he indicated that it was the proponents of the bill who were trying to stall debate and cause a filibuster.

Everybody knows and has known from the beginning, and the opponents of this bill have made known from the beginning—the Senator from Alabama and the Senator from South Carolina have made it clear from the beginning—that they were going to filibuster the bill. In fact, we had a meeting yesterday in the majority leader's office in which one of the Senators on the opponents' side was asked what would they do now that we had agreed to try to remove the FDA amendment and the FAA amendment, thus taking away many of the issues that women in particular were concerned about. The majority leader asked what will this particular opponent do? And he said: I will continue to talk.

This is a classic, absolute, ultimate, total filibuster on the part of the opponents. My dear friend from Iowa, whom I am devoted to, made one of the most remarkable statements I have ever heard. I hope everyone in this body will take some time to think again about the question that we have to answer at the cloture vote scheduled for 10 o'clock. It is really very simple. That is, will we reward obstructionism? Or will we not? Obstructionism equals filibuster. Filibuster is what this bill has been facing for the last 8 years since I have been in the Senate, and 13 years that this bill has been a matter of hoped-for discussion.

This Senator said almost nothing yesterday in the debate because there was not any debate. The Senator from Alabama referred to this being an extended debate. There has been no debate. There has been no debate. The Senator from Washington has not debated. He is a master debater. He knows the bill. He has not debated at all. I have not debated. I have said almost nothing. The Senator from Connecticut has debated hardly at all. He simply has made some points about the bill. And the reason is because there is a filibuster against this bill.

The question is, Will the Senate be able after 13 years to understand that this is a filibuster that we are trying to vote down so that we can get to the bill to discuss amendments which might improve the bill and defeat amendments which would hurt the bill, where the Senator from Connecticut and this Senator, and the Senator from Washington would be very helpful?

The question in this vote is not whether to say a flat yes or a flat no to the bill before us today, which is the Product Liability Fairness Act. That can only be answered if and when the Senate can undergo an open, straightforward process in which any of our colleagues can offer suggestions on a way to improve the legislation. We are not at the point of even putting amendments to the bill. Even the FDA amendment, which is cared about so strongly by so many, cannot be removed until we obtain cloture. So I just hope that my colleagues really do understand our situation.

To be clear about the situation we are in right now, the chief sponsors of this bill realized in the course of yesterday's debate on this bill that the prevailing sentiment on one of the provisions known as the FDA-FAA section, section 203, was that it would be deleted from the bill. We acknowledged the view—those of us who support the bill—and the reasons that those views are felt so strongly. As a result, we entered into discussions with our colleagues, the distinguished Senator from North Dakota and the distinguished Senator from Illinois, who have led the effort steadily, stoutly, steadfastly and with great value to remove this section from the bill.

When we, the sponsors, decided we should support that change, we worked out an understanding that we would support their motion to strike FDA and FAA. But, once again, we were thwarted even on yesterday and prevented from making the change to the bill pending before us until we came to another cloture vote, which ripens at

10 o'clock. We could not even debate the bill yesterday.

Mr. DORGAN. Will the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator from North Dakota.

Mr. DORGAN. Madam President, I appreciate the Senator yielding for a comment and a question. As I understand the position of the Senate at this point, we are discussing the amendment which I offered last evening, along with my colleague, Senator MOSELEY-BRAUN. That is the business before the Senate at this point, and the Senate is scheduled to take a cloture vote at 10 a.m.; am I correct, Madam President?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Let me just make a couple of additional points—if the Senator will continue to yield—about this amendment. It was November when this piece of legislation moved through the Commerce Committee. That is some long while ago. When it did, the day it moved through the Commerce Committee, I spoke to the Senator from West Virginia and told him then that I would not support this piece of legislation on the floor, with section 203 as drafted in it.

I felt very strongly, as I do now, about saying to someone we are going to set up a new shield and a new test, if you are, God forbid, injured somehow by a medical device or a pharmaceutical drug, and you seek compensation for that because you believe someone else was responsible—in this case the manufacturer of the device or drug—and you file a suit under this legislation as it is currently written, the response is, "Well, the FDA approved it. We have no further liability here."

I could give you a notebook full of cases where the FDA has approved a drug or medical device that was later found to be defective or faulty. We ought not injure the rights of individuals in this country with a new shield and a new protection for manufacturers. This bill says we are going to increase the height of the bar now and requires victims to prove fraud and misinformation has occurred by the manufacturer with respect to FDA approval or the FAA approval. That makes no sense to me. My position remains that I will not support this legislation with this section in it.

I inquire of the Senator from West Virginia. We are in a catch-22 position now. I have offered an amendment to strip this section of the bill, a section that I think is a terrible section. The amendment apparently is not to be acted on before 10 o'clock. I would ask unanimous consent, but I will not because I understand it has already been requested, that we hold the vote on this amendment before the cloture vote. My understanding is that has been requested and there was an objection.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DORGAN. It really does no good to repeat that. My point is, we have an amendment that, as I understand, the manager of the bill and the ranking member have said they will accept.

Mr. GORTON. That is correct.

Mr. DORGAN. So as this bill advances, if it advances, they will accept stripping section 203 from the bill and the bill will advance without this section in it.

Mr. GORTON. The Senator from North Dakota is correct.

Mr. DORGAN. My preference would, obviously, be that we dispose of this amendment before the cloture vote. I understand the legislative procedure that we now follow and the cloture vote is going to occur at 10 and we are not able to dispose of this.

But I want to be certain of the discussion we had yesterday that the manager and the ranking member understand what I understand: That if this bill advances, that this bill will advance with a legislative provision that will strike section 203 because this amendment that I have offered is germane, so it will exist even after cloture and must be disposed of by the Senate.

My understanding is if the bill advances and if we dispose of this legislation that the ranking member and the manager of the bill are going to be supporting the striking of section 203.

Mr. GORTON. If the Senator will yield, the Senator's amendment strikes sections 203 (b) and (c) of the amendment and not only the Senator from West Virginia and I——

Mr. ROCKEFELLER. I have yielded to the Senator.

Mr. GORTON. We will support that amendment, but I have undertaken to persuade members on this side who will agree with me to do so as well. I think I can say with confidence that the amendment will be successful.

The ACTING PRESIDENT pro tempore. Senator ROCKEFELLER is controlling the floor at this moment. He is recognized.

Mr. ROCKEFELLER. I thank the Senator from North Dakota. I would like to make a point that the majority leader, Senator MITCHELL, acknowledged on Friday—this is in the CONGRESSIONAL RECORD—that the proponents of the bill were asked to file the cloture motion because of the certainty that the bill would be filibustered. That is what the majority leader said.

So for my colleagues who are listening and to their associates throughout this and other buildings, let me reiterate that this bill would reduce the average 5 years that a person waits to get compensated for a crippling injury of some sort. We are trying to reduce that, we are trying to help the victims and take some of the money away from the lawyers to give it to the victims, and we are being filibustered.

In any event, I would like at this point to yield 2 minutes to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Madam President, I thank my colleague from West Virginia.

I believe that the filibuster should be very, very sparingly used. In a democracy, we function on 51 percent or a simple majority. But as we all know, some may not understand watching on C-SPAN or in the galleries, where there is a filibuster in the U.S. Senate, it requires 60 votes to shut off debate to move ahead to consideration of the merits of legislation.

I believe that a filibuster ought to be very, very sparingly used on major policy matters and constitutional issues to protect the rights of the minority from an unfair majority.

I believe on the current face of this bill with a commitment by the managers to eliminate the provisions restricting punitive damages from the Food and Drug Administration and the Federal Aviation Administration, that we ought to proceed to consider the bill.

I voted against cloture yesterday to continue the debate because I thought it was important that those provisions be removed.

I wish to say that I have some substantial reluctance to see legislation in any area which involves case law determination where the courts for decades and really centuries have in a form of incrustation made decisions in an area like product liability. I have litigated in the field and have had occasion to read extensively in the field. There is a wisdom, a common law wisdom, which comes from the judicial process that really cannot be matched by what we do in the legislature. In Congress, where we have bills and hearings and markups, very frequently only a Senator or two at the hearings, which is a very difficult process to have the kind of analysis which the courts have rendered.

I have great reservations about the underlying bill. I make no commitment how I am going to vote on the underlying bill. I have filed a series of amendments.

I am very concerned about the provisions with respect to workman's comp and subrogation interests, very concerned especially in the area of catastrophic injury and to the joint and several liability issue. I have had some indications from the managers of a willingness to consider my amendments. But I think in this posture on this matter we ought not to require 60 votes but ought to go back to the democratic process of 51 votes. With

the managers' assurances that these provisions as to punitive damages will be removed, I intend to support the cloture motion.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time? The Senator from West Virginia.

Mr. ROCKEFELLER. I yield to the Senator from Connecticut—how much time do the proponents have?

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. ROCKEFELLER. Two minutes.

Mr. LIEBERMAN. Fine.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. I thank the Chair and I thank my colleague.

Madam President, one of the most ill-understood aspects of our product liability system is how it affects the international competitiveness of our American manufacturing companies. I want to set aside, for a moment, the effect on innovation, and just focus on how our product liability system, which is uniquely generous, affects U.S. manufacturers simply with respect to sales of existing products.

It is often argued by opponents of this bill that our product liability laws cannot be a competitive disadvantage to U.S. firms because, in this country, all competitors here are subject to our laws, and abroad, all competitors are subject to foreign laws. The problem with this argument is that it is not true. The underlying assumption of a level playing field in each market is false.

As Prof. Aaron Twerski, one of the Nation's premier scholars in tort law, told the Senate Commerce Committee, under so-called modern or interest analysis choice of law doctrines, a U.S. manufacturer can be sued in the United States, under U.S. laws, for injuries resulting from a product manufactured here, even if the product was sold abroad in a foreign country and the person injured was a foreign citizen in that country. As Professor Twerski testified, "U.S. manufacturers may be held to higher and more costly product liability standards in both U.S. and foreign markets than their foreign counterparts." Obviously, this puts U.S. companies at a cost disadvantage when selling in foreign markets since they will have to insure against the possibility of lawsuits brought by foreign purchasers in U.S. courts, while foreign competitors do not have to bear similar insurance costs with respect to sales in that country.

In addition, it is simply much harder to take discovery—and hence to obtain a successful judgment—against a foreign manufacturer. While a U.S. court can obtain documents and testimony easily from a U.S.-based manufacturer, discovery procedures in foreign countries are much more limited, and usually involve replies to written interrogatories. Ironically, the less U.S. presence a foreign manufacturer has, the easier it will be to shield its documents.

The same can be said when it comes time to enforce judgments. In the United States, a U.S. claimant can obtain a judgment against a U.S. company simply by getting a court order. The court can even order seizure of assets to enforce payment. U.S. claimants and courts do not have similar tools available against the assets of foreign manufacturers abroad. Foreign courts can refuse to honor U.S. judgments by finding that the U.S. court lacked jurisdiction or that insufficient evidence existed to support the judgment. The practical expense of hiring a foreign lawyer to attempt to collect a U.S. judgment further frustrates collection. This gives foreign manufacturers a real advantage vis-a-vis U.S. manufacturers when it comes to avoiding collection of tort damages.

Our tort liability system has had one other impact on the ability of claimants to collect judgments from foreign manufacturers. Professor Twerski told the Commerce Committee that the United States has been unable to get foreign countries to agree to a treaty to enforce American judgments abroad because of foreign countries' low regard for U.S. tort judgments, which they view as out of control. Ironically, our supposedly proplaintiff system may actually be hurting claimants when it comes to suing and collecting from foreign companies.

One other point needs to be made. When our product liability system drives manufacturing offshore or even into thinly capitalized U.S. based companies, claimants do not necessarily come out ahead. The risk of covering the cost of an injury will be transferred from the manufacturers to the purchasers in both settings, either because the assets of the foreign manufacturer are not subject to U.S. jurisdiction or because the thinly capitalized company seeks protection in bankruptcy. Either way, all our product liability system has accomplished in that setting is to reduce the amount of compensation available to injured claimants. That can hardly be considered a pro-consumer result.

Passage of S. 687 would help to mitigate these disadvantages for American companies and American consumers. A fair and balanced product liability system is in the best interests of all Americans.

Madam President, we are coming again to one of those moments of truth which test not only the issue at hand but the openness and fairness of this body. The fact is we saw it last year in this Chamber and we saw it again yesterday. The majority of Members of the Senate want to reform the product liability laws of our country. They understand that too many consumers are not treated fairly under these laws. They have to wait too long; that if their injuries are small, they tend to be overcompensated because of the pressures in the system to settle. If their injuries are large, they are too often undercompensated; that the current system eats away at our competitiveness and our manufacturing base and the creation of jobs.

We can disagree or argue about the particular remedies, but a clear majority of the Senate wants to reform our product liability laws. The question that we are going to answer at 10 o'clock in this cloture vote is whether we are going to give that majority the opportunity to work together and do just that. It has consequences for people's lives, people's jobs and the future of our economy.

Second, we are in a posture now that I think suggests the difficulties and unreasonableness. The sponsors of this bill have tried to be fair every inch of the way, and yesterday as the vote went on and as we heard from our colleagues and we listened to them, we understood that there is substantial opposition to section 203. Senator DORGAN has a motion to strike. We wanted it voted on.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LIEBERMAN. I ask my colleague for an additional 30 seconds.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut has asked for an additional 30 seconds.

Mr. ROCKEFELLER. The Senator has that time.

Mr. LIEBERMAN. I thank the Senator.

Senator DORGAN's motion to strike, to take this objectionable provision out of the bill, is before us. All of us who are sponsors support that motion. We are trying to be reasonable, and yet those who oppose the bill are blocking a vote before 10 o'clock because they think in that way some who want this section out of the bill will not vote for cloture. I say to my friends, if cloture is adopted, the pending issue will be the motion to strike 203 and we will adopt it, so please vote for cloture.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROCKEFELLER. I yield the remainder of the proponents' time to the Senator from the State of Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. GORTON. Madam President, the vote we are about to take is the crucial vote on product liability for this Congress. The product liability bill which would very likely be passed if cloture is invoked is certainly not all this Senator would have liked, but he and others have given their assurances of support for the motion to strike and those assurances will be kept.

Even so, this bill will represent a step forward toward greater fairness, toward greater productivity in our American economy and toward a greater degree of justice, less spent on transactional costs, less of the costs of the system going to actual victims. It is a good and forward looking proposal to reform our legal system. It should be passed. It can only be passed if 60 Members vote in favor of cloture.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HEFLIN. Parliamentary inquiry, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Alabama will state it.

Mr. HEFLIN. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes.

Mr. HEFLIN. What about the opponents' time?

The ACTING PRESIDENT pro tempore. Their time has expired.

The Senator is recognized.

Mr. HEFLIN. I yield myself such time as I may need. Senator HOLLINGS I think may want to make some remarks.

I look around. It gets down to this—and I have said this before, but I want to reemphasize it and maybe say it a little differently. It is basically, is this a fair bill? And when you consider the overall situation, see the language that is in it, and how this word or that word is changed with an idea of giving an advantage, giving an advantage to the defendant, the manufacturing company, the insurance company, it just comes to it that it is an unfair bill.

Basically, No. 1, if it is a fair bill, why do they exclude businesses and eliminate commercial loss? The biggest verdicts have been in the business arena, punitive damages and others—Texaco, Pennzoil, for example. But this bill does nothing about that. But the fellow who loses a finger, who is a violinist, or who loses a leg who is a soccer player, about which we hear so much today, whose livelihood is taken away from him, the provisions of this bill apply to him, and they are designed throughout to restrict his rights to recover.

It is almost inconceivable that someone would come up with an idea that they can take your life insurance policy proceeds away from your widow and your children if you are killed as a result of an accident. Now, that is just unconscionable, but there is unconscionable language throughout.

You pay health insurance. Maybe you work for the Government or are an employee and pay a portion or maybe you work and pay it all, and you have spent over the years thousands and thousands of dollars. You are in a hospital today, with costs like they are, for a month recovering, or you can pass away, yet they are allowed to deduct—not the jury. The jury knows nothing about this and are told nothing about it—but the court, after the verdict is rendered, is obligated under the law, under the provisions that are applicable, to deduct that $100,000 or whatever the hospital bill is from your economic damages. Then, if you had a disability payment or anything else, they eliminate that under these provisions and deduct it from you.

Now, what is fair about that? It is just unconscionable to me that people would write that in it, but they do it under collateral benefits. They think nobody will read the definition of what collateral benefits means, so therefore they get by in the fine print.

Now, arguments have been made here, very forcefully—and he has done a remarkable job, Senator ROCKEFELLER, in his advocacy, Senator GORTON, Senator LIEBERMAN and others, but they argue, all right, what we need to do takes 5 years.

I support procedures to bring about the expeditious handling of cases. I support alternate dispute resolutions. But let us do that separate and not have all of this garbage and unfairness that is in the bill.

Thank you, Madam President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mrs. MURRAY). The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I ask unanimous consent that there be 5 minutes more of debate equally divided between Senator HEFLIN and Senator ROCKEFELLER and that the vote occur at 10:05 a.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. ROCKEFELLER. Madam President, we have 2½ minutes for each side.

Mr. HEFLIN. Madam President, I yield 30 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Madam President, I thank the Senator for yielding 30 seconds.

I want to respond to my friend from West Virginia on the issue of the cloture vote. I ask my friend from West Virginia, are we not debating the bill? Are we not offering amendments? This bill was brought up on Friday. We have offered amendments. We are offering amendments. Also, we are voting on them. But, no, the proponents of this bill filed a cloture motion right at the beginning.

Give us a week to debate it. Give us a week to offer amendments. The proponents of this bill know that, if cloture is invoked, we have 30 hours total to debate and amend this bill. We can spend a week to 10 days on Whitewater, can we not? We can do that. But we cannot spend a little bit of time amending this bill. That is why we ought to vote to sustain the debate.

Mr. ROCKEFELLER. Madam President, I again defer to the majority leader. The Senator knows full well that the majority leader said the reason the cloture petitions had to be filed was because there would be a filibuster by the opponents.

Mr. HARKIN. We are just simply amending the bill.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. I yield myself 2½ minutes, or whatever time is left.

I really do urge my colleagues to reject the obstructionism, to reject the filibuster. I think that this is a test of the Senate. Do we have the will to stand up to a small minority in a democracy when we have more than a majority of the Senate which wants to act its will on this bill? Will our Senators say to the people of our respective States that now you are limited to only 2 years from the point of your injury in order to bring suit and that, under this bill which we are advancing, that would be changed entirely to the advantage of the victim?

Our bill will allow injured persons to sue up to 2 years from the point of the discovery of the injury and the cause of the injury. Many injured people would benefit from this change.

Our bill will give more attention to the victims than to the pockets of lawyers. Facts have shown clearly over the years that the trial lawyers and the defense lawyers are getting more money in this process than are the victims who are injured and who have to wait an average of 5 years to receive compensation. Even after 5 years, 39 percent of these injured parties will receive no financial reward whatsoever.

This is a terrible injustice. It is being blocked by a few people who have tremendous power, who are able now for the 13th year to bring the business of this Senate to an absolute halt on this subject, to filibuster the Senate.

I appeal to my colleagues, to their sense of fair play, to their sense of reason, to their sense of fairness to the victims, that we support the motion for cloture.

I thank the Chair.

Mr. HEFLIN. Madam President, the issue that Senator ROCKEFELLER and others make is expedited court procedures. Let us cut back the backlog and the congestion and the time that it takes. That is an issue that we ought to agree on. We can support it, and we can take measures to approach it.

He mentions alternate dispute resolutions. I think we are agreeable to most alternate dispute resolutions. But let us do that separately and not with all of this unfair language, this fine print, this design to take away the rights of the poor person, the injured person, the woman, the child, the elderly. Let us put all of the unfairness

that exists herein, let us separate this. It has one or two good points in it. You have that combined with all of the damage and other things that it does. It is just not a bill that ought to be adopted at all.

There is no issue here pertaining to savings on business because, clearly, the insurance premiums are not going to be affected. Clearly, it shows in the studies that there is no competitiveness problem here. The whole issue comes down to fairness. And I say to you that this is an unfair bill.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SIMPSON. Madam President, I want to commend the sponsors of this legislation for their tenacity. Senator GORTON and Senator ROCKEFELLER have been absolute stalwarts in their efforts to bring this bill to the floor. Both are very effective legislators.

However, I counsel my colleagues to consider carefully the consequences of our vote today.

If cloture is invoked, this bill or a similar version will very well be enacted into law. That disturbs me greatly.

Each Congress which has considered this, or similar proposals, has chosen not to enact such sweeping changes to existing law. I think that such a prudent course has been due to the realization that there are simply these areas of State law into which the Federal Government should not intrude.

We have heard a great deal of thoughtful and powerful debate on the floor of the Senate today and yesterday. It should be clear, Madam President, that for each example that has been given of an "abuse" in the current system, there are equally persuasive and powerful examples of how the system has worked quite well.

The current products liability laws do result in efforts to make products safer and do ensure that people have proper recourse to damages when and if they are injured.

Certainly, there are occasions to "fix" a problem.

I am concerned, however, that this "fix"—S. 687—is far too extreme for what amounts to variance in the laws of some States.

That is an important distinction, Madam President.

Some States' products liability laws may, in fact, lead to unfair results. However, the debate on this legislation has fallen far short of convincing me that "all" State laws are flawed.

Madam President, we do not need a "Federal fix" for this area of State law.

I would conclude my comments today by asking my colleagues a simple and direct question: Are we prepared to tell the State juries in our own States that we do not have faith in their common sense and judgment?

If we allow this legislation to be enacted, that is just what we will be doing. We will be telling our own constituents that we know better—we, not they, know best how to achieve "fairness" in the State courts. I do not believe we can, in good faith, make or believe in that statement.

I urge my colleagues to vote against cloture on this legislation.

Mr. MATHEWS. Madam President, for some time now, it has been clear that the present product liability system is in need of serious reform. In fact, there is serious question whether this hodgepodge of law, questionable claims, outrageous judgments, and economic roadblocks can be called a system in any commendable sense. I want to compliment Senator ROCKEFELLER for his leadership in addressing the product liability morass. And I urge all our colleagues to join with him to pass S. 687.

In taking this legislation up, Madam President, we must acknowledge that much of the quarrel generated by this bill is between defendants' lawyers and plaintiffs' lawyers. I believe we should avoid taking sides in that argument by concentrating on what the current product liability situation does to society, business, injured consumers, and the economy.

It seems to me, Madam President, that product liability statutes ought to facilitate three general goals. First, to enable consumers injured by manufacturers' negligence to be compensated promptly and proportionally. Second, to penalize manufacturers and sellers who perpetuate faulty merchandise upon consumers, who as a rule know less about the product than the people who make it. And third, to reign in the unscrupulous manufacturer with the jeopardy of legal action.

In other words, statutes should join and clarify responsibility and liability for both consumer and manufacturer. To a great extent, the system that exists now does neither.

What we have is a self-perpetuating, self-feeding litigation machine that devours billions of dollars a year. These costs drain resources that could be used to advance our economy. But even worse, they are only one aspect of the economic penalties inherent in our product liability predicament. Others include closed plants, laid-off workers, discontinued products, and products that are never developed because of actual and anticipated liability litigation. In dozens of industries ranging from aviation to pharmaceuticals, the United States is losing part of its competitive advantage and part of its incentive to innovate because the threat of untamed product liability damages is forever at our throats.

In many cases, that threat amounts to what I call graymail of American business. Take the case of Polyloom Corp. in my native Tennessee. Polyloom makes carpet yarn. The company was added to a product liability suit involving a schoolboy who tripped over a floor covered by a carpet containing its yarn.

Polyloom's president put the situation very well:

> Our lawyer advised us that we could not have any liability in such a case, but he also told us that we likely would not be able to extract ourselves from the lawsuit until just prior to trial or at the trial. When we approached the plaintiff's lawyer with the facts, we were asked to pay several thousand dollars for the privilege of getting out of something in which we did nothing wrong.

The company refused to be extorted and eventually was dropped from the suit—after it had incurred the expense of depositions, petitions, and litigation. Regrettably, Madam President, this kind of jobbery is common in the product liability process. Plaintiffs threaten a company with the expectation of higher insurance premiums, punitive damages, and loss of reputation unless it pays up to make the case go away. Graymail is becoming part of the cost of doing business in America.

Let me be clear: Firms that produce and sell products which do harm should compensate those who are harmed. But graymail does not penalize or restrain unscrupulous manufacturers and sellers. It encourages lawyers, acting in the interest of their clients, to cast their biggest net into the widest pool of potential defendants. It encourages a fishing expedition to find the deepest pockets for liability awards. It expands beyond any reasonable definition the notion of responsibility and liability on the part of consumer and manufacturer.

This legislation helps to restore reason to a situation that is becoming unreasonable for consumer and manufacturer alike. It benefits injured consumers by starting the statute of limitations for filing complaints according to a discovery rule rather than a time-of-injury rule. It promotes expedited settlement of claims by giving both parties incentives to make and accept reasonable reparations out of court. It encourages dispute resolution by an arbitrator, reducing the expense and time of litigation.

In particular, Madam President, this measure establishes a clear standard to which manufacturers can be held in assessing punitive damages. It calls for liability to be determined by acts that show conscious, flagrant indifference to consumer safety. I believe that this provision is especially worthy of note and support.

It establishes a clear, no-excuses rule that determines whether manufacturers have gone over the line. When firms violate that standard, courts and society are reassured that punishment by punitive damages is warranted. I believe that this standard will result in tougher punishments for firms that truly deserve them.

Overall, Madam President, I am convinced that this measure is worthy for many reasons. It preserves the right of justified claimants to compensation for injury and it enhances their right to swift and appropriate compensation. It reduces tremendous direct and indirect costs to business and our economy. It removes the speculation and ambiguity that plague the current system. And it establishes a much-needed clear standard for punishing firms that act in flagrant disregard of their responsibilities.

I will vote for this legislation, and I urge my colleagues to do likewise.

Mr. DORGAN. Madam President, I rise today to offer an amendment to S. 687, the Product Liability Fairness Act. As my colleagues know, this legislation would reform tort laws on the Federal level and make rule changes that relate to product liability cases. I believe that some kind of reform with respect to product liability cases is necessary and I am willing to support Federal action in this area. I share the concerns that many small businesses have with the current system. Small businesses are asking for some sort of attention to product liability issues and I want to respond to those concerns, namely that fear of liability inhibits their ability to conduct their business and create jobs. I hope the Congress will pass legislation to address these concerns.

However, I have very serious reservations about provisions in S. 687 which would provide certain manufacturers with a defense against any punitive damages if their product has received Food and Drug Administration [FDA] approval or Federal Aviation Administration [FAA] certification. It seems to me that the Congress would be making a grave error if we gave large pharmaceutical companies and aircraft manufacturers a defense against punitive damages and expect that the FDA and the FAA can provide absolute and perfect protection to consumers. Agency approval and certification of products is meant to compliment our tort system, not replace it. This is especially true in the area of punitive damages. It is unacceptable to consumers, especially to those concerned with women's health and the safety of aircraft, and would seriously weaken their rights to challenge manufacturers who market defective products. Notwithstanding the issue of compensating victims, punitive damages serve as a necessary check in consumer product regulation. My conscience cannot accept this provision in the bill and I cannot support this legislation if this provision remains in the bill.

PUNITIVE DAMAGES ARE NOT PART OF THE LIABILITY PROBLEM

That is why I am offering an amendment that would delete the FDA and FAA defense provisions on punitive damages. Although punitive damages are rare, they are very necessary when imposed. The bill in its present form would protect manufacturers from punitive damage exposure if their product is approved by the FDA or the FAA. The fact is that punitive damages are not a problem in the present tort system. The problem that needs to be addressed is that there are too many frivolous cases filed and settled simply to avoid a nuisance rather than resolve whether or not there was fault on the part of a manufacturer. The nuisance problem is draining resources and burdening small businesses. I want to address this problem and I believe other provisions in the bill address this issue. But the FDA and FAA provisions have no relation to the product liability problems that need to be addressed. Rather, they raise serious concerns about the ability of consumers to rectify unjustifiable behavior by a manufacturer.

Punitive damages are imposed in cases where there is a need to punish and deter manufacturers whose fault is conscious or reckless. Punitive damages are necessary to impose a threat on manufacturers whose negligence or disregard for safety are almost criminal, or worse and are intended to force dangerous products either off the market or require manufacturers to redesign bad products. By eliminating the exposure to punitive damages for certain classes of products as the bill provides, a critical regulating device which has been used to get bad products off the market would be diminished.

At issue with this provision is not simply a matter of individual compensation for negligence. Rather, a broader social objective is at stake where the tort system plays a necessary role to hold manufacturers and Federal agencies in check. The FDA and FAA provisions in S. 687 provide protection to manufacturers in the kinds of cases where it is in the best interest of the public to fight for consumer protection. Examples of where the FDA and the FAA have failed to remove dangerous products are legion. If companies are given a defense from punitive damages because a Federal agency provides marketing approval, we are throwing public health concerns with respect to drugs, medical products, and aircraft manufacturing to the wind.

BURDEN OF FEDERAL AGENCIES

It would be naive of the Congress to believe that any government regulatory agency or system could prevent, stop, or control the marketing of harmful products. At best, Government safety standards establish minimum levels of protection for the public. The FDA and the FAA have been slow to act in the face of evidence of harm and have failed to catch dangers in the marketplace in the past. Certainly, similar failures will happen in the future, especially if these agencies are not given increased resources and enhanced authority to monitor product safety. Even if the FDA and the FAA were dramatically improved, there will be cases where harmful products are approved and negligent behavior on the part of manufacturers will be the cause. We need the trot system to help identify these situations.

A 1990 GAO report found that between 1976 and 1985, 51.5 percent of the drugs approved by the FDA had serious post-approval risks that could lead to hospitalization, increases in length of hospitalization, severe or permanent disability, or death. There are multiple factors contributing to this phenomenon. One is that the FDA approval process is inherently limited; another is limited resources. However, given understood limitations, the agency is very overburdened. In 1979, FDA had a staff of 8,000. In 1989, after enactment of 24 new laws increasing the agency's responsibilities, the staff levels dropped by 1,000.

In this debate, it is important that we understand how the FDA approval process works. The fact is that the FDA does not do any of its own testing. Rather, it must rely entirely on data and test results conducted by the manufacturer. On top of that, the FDA is one of the very few Federal agencies that does not have subpoena power—an important enforcement tool possessed by all the Federal departments and dozens of boards and commissions. Despite the fact there have been attempts in the Congress to grant subpoena power to the FDA, the big drug companies have fought his legislation vigorously. The pharmaceutical industry that is now seeking immunity from liability from punitive damages in this legislation has fought hard to deny effective enforcement tools to the FDA that would give us more assurance that companies are marketing safe products. It seems strange to me that commissions like Floral Research and Information, Watermelon Research, and Vesting and liquidation of Bulgarian, Hungarian, and Romanian Property International Claims would have subpoena power yet the FDA does not and the pharmaceutical industry would continue to fight the same enforcement powers for the FDA—where much more is at risk with respect to public safety.

DANGEROUS PRODUCTS WITH FDA APPROVAL

Examples of cases where the FDA has permitted a manufacturer to knowingly market a dangerous during or medical device are many. Most of us are aware of the problems caused by the Copper-7 IUD's and silicone breast implants—both FDA sanctioned products which were not only harmful to the public but are cases in which the FDA had knowledge of the products' dangers. There are numerous other examples where either because of manufacturer negligence or because of agency oversight failure, medical drugs and

devices were marketed despite serious health concerns:

Bjork-Shiley heart valve, was sold with FDA permission between 1981 and 1986 even though both the FDA and the manufacturer of the valve had evidence of strut fractures that led to the death of many patients;

Albuteral, an asthma drug that has recently been recalled when it was discovered that millions of vials of the drug were contaminated with bacteria;

Theratronics radiation equipment. Therac 25, a cancer treatment device, was found to be associated with five deaths in 1984 and 1988. Inadequate FDA bookkeeping allowed the product to be used until is prohibited its importation in 1991;

Zomax, versed, and accutance are examples of drugs where the FDA ignored data showing potentially serious health risks; and

The list goes on. But the point of mentioning these examples is not to assert whether or not the manufacturers of these products have engaged in behavior worthy of punitive damage awards—that issue needs to be left to a court. Rather, I raise these examples to point out that the FDA approval process cannot be used as a shield for manufacturer disregard for public safety. Under the FDA approved process, the agency must rely upon the data and clinical trials supplied by the manufacturer seeking approval. The FDA approves a product based upon the weighing of risks versus benefits. It is always understood that many risks cannot be detected in the pre-market approval process and often information about serious safety concerns arise after approval. The relevant question here is whether or not a manufacturer has engaged in behavior that warrants liability for harm caused by their product, despite agency approval. It makes no sense to me to say that we should exclude a role for the tort system to provide this "check" on product safety regulation. The FDA has numerous responsibilities, the most important of which is to protect public safety by doing its best to identify unsafe products. It should not be shouldered with the responsibility as the prime enforcer of reckless behavior that is in flagrant disregard of public safety.

THE FRAUD EXCEPTION MEANS ESCAPE CLAUSE

The FDA and FAA defense provisions include a clause which would eliminate the defense if the manufacturer received product approval through fraud or has not complied with information sharing requirements to the appropriate agency. However, this "escape clause" is far from adequate and does not change the fact that the actual impact of these provisions will mean simply that negligent manufacturers will have more protection in a lawsuit and in turn a substantially larger burden will be placed on the consumer to win damages. Under this legislation, the burden is placed on the injured individual to prove what is required to be submitted to the agency, and what information is relevant and material. Further, the FDA and the FAA are not adequately equipped to take on the additional and judicial functions of determining when corporations will be liable for punitive damages. In the last analysis, the consumer will bear the burden and responsibility to prove that a company defrauded a Federal agency with a product before they even have the opportunity to pursue damages. Furthermore, consumers will have the additional burden of having to demonstrate causation between the fraud and the harm caused under this legislation. The fraud exception simply places more and more hurdles in front of victims.

The results of the fraud exception and the so-called increased reporting requirements in this legislation will be that companies will flood FDA with massive amounts of information as to cover their tracks in the event problems do arise with their product. There is no requirement that this information is usable; companies can just dump boxes of information and leave it up to the agency to devote staff to dig through it. It seems to me that this exception will create more litigation and create more battles for lawyers to fight in liability cases, including an onslaught of litigation against the FDA and the FAA when plaintiffs are seeking to determine whether or not fraud was involved in the approval process.

How can we expect victims to identify fraud and prove it when the agency itself cannot? According to an FDA official quoted in a January 1992 article in the New York Times, the agency has no effective way of identifying fraud or serious misrepresentation of test data by companies. Madam President, I ask unanimous consent to include this article in the RECORD. What assurances will consumers have that fraud or information withholding has occurred? It seems to me that advocates of the FDA and FAA defense provisions need to demonstrate what is going to change overnight at the FDA or the FAA that will improve the ability of these agencies to identify the fraud and misinformation so that this exception would have any meaning at all.

It must be kept in mind that this legislation would significantly increase the burden of proof for punitive damages as well as establish a tighter definition of behavior subject to punitive damages than what is currently used in most States. Under S. 687, a plaintiff would have to show, by "clear and convincing evidence" that "the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscience, flagrant indifference to the safety of those persons who might be harmed by the product." My amendment does not affect this provision. However, it is important to point out that the FDA and FAA defense provisions in the bill is designed to protect manufacturers who would otherwise be found guilty of this very high standard—except for the fact that their product was approved by a Federal agency such as the FDA or the FAA.

FDA DEFENSE IS NOT NEEDED TO ENCOURAGE INNOVATION

One of the false claims being made about S. 687, the Product Liability Fairness Act, is that one of the bill's provisions, section 203 which would grant manufacturers of drugs and medical devices immunity from punitive damages if their products are approved by the Food and Drug Administration, will actually encourage innovation and increase availability to new drugs and medical devices. It is being asserted that because of liability exposure, new pharmaceutical drugs and medical devices are withheld from the market and suppressing innovation. There is no basis in fact for these claims.

It is not true that liability exposure is preventing people from obtaining safe and effective life-saving or life-enhancing medical devices. None of the products now being cited as examples of products that have been withheld because of liability concerns should be considered fully safe and deserving of immunity from product liability claims. In the committee report of the Senate Committee on Commerce, Science, and Transportation on S. 687 (November 20, 1993), Senator HOLLINGS rebuts a number of these the claims, including Copper-7 IUD's, which proponents claim is safe despite overwhelming evidence to the contrary; Puritan-Bennett Anesthesia Gas Machines, which were actually recalled by the manufacturer and the FDA for causing deaths and injuries; and Ortho contraceptives, over which punitive damages were awarded because the manufacturer ignored substantial evidence that the product cased renal failure.

Similar concerns have arise about another example: implanted shunts which are used to drain excess fluids from the brain. The shunt is made from Silastic tubing, a type of silicone, and has been implicated in intense inflammatory reactions in patients. Madam President, I ask unanimous consent that his article be printed in the RECORD.

Finally, proponents has also asserted that an AIDS vaccine could not be marketed because of fears about products liability. According to a recent Washington Post, the vaccine manufactures are racing to get an AIDS vaccine to market. The problems vaccine manufacturers are facing in getting their products to market are a lack of volunteers for clinical trials, NOT supposed fears about product liability. According to the article, there is no shortage of vaccine candidates; however, the

AIDS community did not feel that these vaccines were promising enough to justify clinical trials in high-risk populations. In addition, a recent letter from Project Inform lays to rest that claims of liability exposure is hampering the development of an AIDS vaccine. Madam President, I ask unanimous consent that the Washington Post article and the letter from Project Inform be printed in the RECORD.

The fact is that drug manufacturers do not need additional incentives in order to invest more in innovation. According to a Senate Aging Committee report, U.S. drug manufacturers spend far more on marketing and advertising, 22.5 percent of revenues, than on research and development, 16 percent of revenues. The pharmaceutical industry in the United States does not have an innovation problem—the problem is with inflated prices and protecting consumers from dangerous products. The bill's provisions that would shield drug manufacturers, under the veil of innovation, is not the kind of response the American people want Congress to give the big drug companies.

Clearly, the FDA punitive damage defense provisions in S. 687 jeopardize health and safety. These provisions do nothing to improve availability of safe medical products. Rather, these provisions remove big pharmaceutical companies and medical device manufacturers from accountability for defective products.

FAA CERTIFICATION IS SELF-CERTIFICATION

The FAA certification protection for manufacturers raises similar concerns. A recent study by the General Accounting Office was very critical of the FAA's certification process and found that the FAA has delegated so much of its responsibilities for certification that it has "lost its ability to effectively oversee or add value to the certification process as well as understand new technologies." If the FAA has such serious weaknesses with its certification process, why should it be used as a protection by a manufacturer? Madam President, I ask unanimous consent that a copy of this GAO study be printed in the RECORD.

FAA regulation is ostensibly self-regulation by aircraft manufacturers. To rely upon the FAA certification process as a defense against liability exposure is nothing less than falling for the "fox guarding the henhouse" problem.

CONCLUSION

Why is it that in cases where a company may be guilty of near criminal behavior with respect to showing blatant disregard for public safety, we would want to favor tort rules to benefit the manufacturer and make it substantially more difficult for the consumer? That is what these provisions in section 203 of this legislation accomplish.

If the FDA and FAA provisions remain in S. 687, I cannot support the bill. As I mentioned above, I want to support some sort of product liability reform. That is why I voted favorably to report this legislation from the Commerce Committee last fall. But the FDA and FAA provisions in the bill do not address the liability concerns that should be part of this legislation. The major beneficiary of these provisions is the large pharmaceutical companies that want to be protected from liability if they show disregard for public health. Let's not give them that break at the expense of victims and public safety.

I hope that my colleagues will realize the danger these provisions cause to public health and support my amendment to remove them from the legislation. If that is done, I believe that S. 687 will be a bill that those of us who want to support product liability reform which benefits small businesses will be able to support.

I urge my colleagues to support this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1992]

QUESTIONS RAISED ON ABILITY OF FDA TO PROTECT PUBLIC

(By Gina Kolata)

Consumer groups and Federal officials are raising disturbing questions about whether the Food and Drug Administration has adequate powers to protect the public from dangerous drugs and devices. Recent cases involving silicone breast implants, the sleeping pill Halcion and the sedative Versed suggest that the agency and the public are sometimes the last to learn of reports of dangerous side effects.

The Federal agency does no testing of its own, and in making decisions it must rely entirely on the test results submitted by manufacturers. Officials of the agency and consumer advocates both say that the F.D.A. lacks the subpoena power, which virtually every other Federal agency has, to obtain drug company documents when suspicions are aroused.

Even when people who are harmed by drugs go to court and their lawyers discover reports of side effects in the companies' files, the companies may settle the case on condition that the reports are sealed. As a result, years may pass before the drug agency gets to hear of vital information about hazards.

In the case of silicone breast implants, the data that caused the Commissioner of Food and Drugs, Dr. David A. Kessler, to ban implants this month pending a review of their safety had long been known to the Dow Corning Corporation. The details were disclosed to trial lawyers eight years ago, but the drug agency learned about them only recently because a court agreement had kept them confidential.

"In view of the recent history with generic drugs and the data that are reported with Halcion and that are about to come out with breast implants, it is hard to say there's not a problem," said Dr. Alan Lisook, who is chief of the clinical investigations branch at the drug agency. He said he did not see any immediate solution. Among the disclosures that have shaken the agency are findings that some generic drug companies falsified the tests that enabled them to get their drugs marketed. Within the last six months there have also been allegations that major drug companies withheld safety data from the F.D.A. In one instance, questions were raised about the safety of the sedative Versed after the disclosure of internal documents from Hoffmann-La Roche Inc., which makes the drug. In addition, researchers who were witnesses in a lawsuit and had seen internal company documents accused the Upjohn Company, which produces the sleeping pill Halcion, of falsifying and failing to report data on adverse reactions in its clinical tests. In another lawsuit, against Dow Corning, the maker of silicone breast implants was accused of misrepresenting its safety data to the F.D.A.

COMPANIES DENY WRONGDOING

The final verdicts on Halcion and the breast implants have not been reached. The companies that make them vehemently deny any wrongdoing and say their data support their products' safety and efficacy.

The Pharmaceutical Manufacturers Association, which represents makers of brand-name drugs, said it did not perceive a problem in the F.D.A.'s ability to learn whether companies misrepresented or failed to report data. "To the extent that problems exist, the F.D.A. can detect them," said Dr. John Petricciani, the director for medical and regulatory affairs at the association.

But officials at the F.D.A. and consumer advocates say the recent cases spotlight the agency's limitations in accurately assessing the safety of drugs and devices. Adverse data about both Halcion and silicone breast implants were provided by their manufacturers to plaintiffs' lawyers but reached the F.D.A. only by chance.

Drug industry experts say there was no good way of determining whether the few cases that have appeared are anomalies or the tip of an iceberg. But some consumer advocates have voiced grave concerns that the companies may have hidden adverse data on other drugs.

Arthur Bryant, executive director of Trial Lawyers for Public Justice, a national public interest law firm, said the situation had seriously endangered patients. "The entire system, where secrecy is permitted, works to enable companies to maximize profits by sacrificing peoples' lives," he said.

Dr. Sidney Wolfe, director of the Health Research Group, which is part of Ralph Nader's Public Citizen consumer advocacy group, agreed. The F.D.A., he added, "is extraordinarily dependent on the companies to be honest."

"But as the line increases of companies that have pleaded guilty to criminal charges, maybe the default position is not to trust the companies," he said.

It might seem that any company that marketed an unsafe drug or device would be found out as adverse reactions accumulated. Yet F.D.A. officials say they have seen companies minimize or ignore adverse reactions in their reports to the agency, even though those side effects eventually forced the company to pull the drug from the market and incur heavy costs.

Dr. Robert Temple, director of new drug evaluations at the F.D.A., speculates that companies might grossly play down adverse reactions to their drugs because of "wishful thinking, hopes and dreams" on the part of companies that the reactions are not serious. "The most striking thing we've seen is companies not appreciating the wild horses they were riding," he said.

In addition, he said, he believes companies may fear that "if they tell us about it, we'll

get hysterical and we won't make a reasonable judgment."

Dr. Henry Grabowski, an economist at Duke University who has studied the drug industry, said financial considerations could sway a company to play down adverse data. "Sometimes you can have a mindset that a drug will be very commercially important," he said. "You don't want to hear bad news about it. You don't really develop or acknowledge some problems."

F.D.A. officials and consumer advocates say that the F.D.A. stands virtually alone among Federal agencies in its lack of subpoena power. The Department of Agriculture, the Environmental Protection Agency, the Department of Transportation and the Federal Trade Commission all have subpoena power. Without it, the F.D.A.'s only stick is to threaten criminal prosecution by the Justice Department if it finds critical data have been withheld.

Dr. Lisook said subpoena power would certainly help the agency to investigate possible withholding of data about adverse drug reactions. "We can only pursue some cases to a certain point because there is information we can't obtain because we lack subpoena power," he said. Instead of forcing companies to produce documents and internal memorandums to establish whether there is any wrongdoing, the F.D.A. has to be certain enough that something is wrong to persuade the Justice Department to begin a criminal prosecution.

SUBPOENA POWER FOUGHT

The Pharmaceutical Manufacturers Association, however, opposes giving the F.D.A. subpoena power and heavily lobbied against it when a bill to give the agency that power was introduced in Congress last year. The bill failed to win approval after the Secretary of Health and Human Services, Dr. Louis W. Sullivan, said it would be vetoed.

The F.D.A. also has no good way of finding fraud or serious, if inadvertent, misrepresentation of data by companies. In its fraud investigations, Dr. Lisook said, the F.D.A. scrutinizes the records of individual investigators who perform studies for drug companies. On occasion, it has found that the investigators cheated, even making up all of their data. This happened with one independent researcher who studied Halcion, for example. But the agency cannot easily detect the next level of misrepresentation or negligence, a company's failure to properly report and analyze researcher's data, Dr. Lisook said.

A discrepancy between case report forms and company analyses would not ordinarily be apparent to the F.D.A., Dr. Lisook said, partly because the agency does not even receive most case report forms. Since 1984, when F.D.A. regulations were revised, companies have not been required to submit most case report forms to the F.D.A.

Dr. Lisook said the F.D.A. has stumbled upon companies that accidentally or purposely overlooked adverse reactions in their reports to the agency. "We can't go to a company and say, 'Tell us if there are adverse reactions you didn't submit,'" Dr. Lisook said. "We don't have any good method to determine whether what is on the case report forms is identical to what is on the tabular summaries."

In the case of Halcion, critics who have examined case report forms in connection with a lawsuit against Upjohn charge that the company left out information about adverse reactions reported on those forms when it prepared its data analyses for the F.D.A. Upjohn denies the charges and the F.D.A. is currently examining the forms and comparing them to the company's data analyses.

Another source of frustration for the F.D.A. is the growing tendency of companies to obtain secrecy orders that seal potentially damning company documents that are produced in product liability suits. These orders prevent the plaintiffs, their expert witnesses, and their lawyers from ever disclosing what they learned. The Halcion data were uncovered in a product liability lawsuit that was settled with a secrecy order.

The Pharmaceutical Manufacturers Association opposes changing secrecy orders to enable the F.D.A. to be guaranteed access to company data.

Secrecy orders that keep information on the safety of drugs and devices from the public and the F.D.A., "are an outrage, a total outrage," said Mr. Bryant, the public interest lawyer. "These standards for keeping data from the eyes of the public should be far higher than they are now," he said. "Yes, there should be secrecy for certain things like the formula for Coca-Cola. But we are talking about matters that involve threats to the public health and safety, matters that allow the public to evaluate whether the courts and regulatory agencies are doing their jobs."

[From the Lancet, Aug. 29, 1992]

ANTIBODIES TO SILICONE ELASTOMERS AND REACTIONS TO VENTRICULOPERITONEAL SHUNTS

(By Randall M. Goldblum, Ronald P. Pelley, Alice A. O'Donell, Debra Pyron, and John P. Heggers)

INTRODUCTION

Elastomers formed of cross-linked polydimethylsiloxane, commonly called silicone elastomers, are widely used to make medical implants and prostheses. Silicone elastomers are generally believed to be biologically inert, since tissue responses are usually limited to mild foreign-body reactions. However, over the past 10 years, there has been increasing suspicion that rare, severe inflammatory reactions to silicone elastomer implants have an immunological basis. 1, 2 We report evidence that specific antibody reactivity to polydimethylsiloxane develops in some patients after repeated exposure to Silastic (Dow-Corning Wright, Midland, Michigan, USA) shunt tubing.

CASE REPORTS

The first patient was a caucasian girl who had a low lumbar myelomeningocele repaired on the first day of life. A ventriculoperitoneal (VP) shunt was inserted at 19 days and revised at 4 months. When the patient was 6 years old an abdominal pseudocyst formed around the shunt. A year later a neck wound from a shunt revision became red, exuded clear fluid, and separated, exposing the underlying shunt tubing. This process recurred eleven times over the next 4 years. Similar reactions were seen at sites of silicone-coated sutures. Cultures from the wound sites, collected many times over 3 years, and four tissue samples failed to show any microorganisms, despite use of many special stains and electronmicroscopy. Histology of the inflamed tissue showed granulomatous inflammation with many lymphocytes, macrophages, giant cells, epithelioid cells, and occasional plasma cells. There was mild hypergammaglobulinaemia (IgA 3.24 g/l/ IgG 15.9 g/l). Serum samples taken when the child was 9–11 years old were stored frozen until analysis. At the ninth shunt replacement (age 14 years) precautions were taken to cover the track with intact tissue; it has been well tolerated for longer than 3 years.

The second patient was a Latin American girl who developed hydrocephalus at 9 months. Computed tomography confirmed hydrocephalus and showed partial agenesis of the corpus callosum and a Dandy Walker deformity. A VP shunt was placed and revised when she was 5½ years. 2 months later the shunt was extruded in the same way as in the first patient. A few months later an abdominal pseudocyst was noted. Local reactions developed along the shunt, but no microorganisms were found by culture or histology. Serum concentrations of IgG (15.4 g/l) and IgM (4.6 g/l) were moderately high and there was unexplained eosinophilia (1.2 10. sup. 9/l). The reactions gradually resolved over 10 days. Serum samples were taken at the time of admission to our hospital and a year later.

METHODS

These intense inflammatory reactions surrounding recently implanted Silastic tubing, in the absence of infection, suggested an immunological reaction, possibly to the tubing. To investigate this possibility, we developed an assay to detect antibodies to Silastic tubing. We also collected samples from five patients with VP shunts (aged 5–37 years) who had had no clinically apparent reactions. Four of these patients had had malfunction of their shunts, requiring at least one surgical revision. The assay was a modified enzyme-linked immunosorbent assay (ELISA) 3 with Silastic tubing as the solid-phase antigen. 1 ml volumes of serial tenfold dilutions (1/10–1/1000) of serum in 0.05 mol/l phosphate-buffered saline, pH 7.1, with 0.05% (by volume) Tween 20 (Sigma Chemical Co., St Louis, Missouri, USA) were incubated overnight at 20 degrees C in polystyrene testtubes with 1 cm sections of surgical Silastic tubing, sliced linearly to allow full exposure of inner and outer surfaces. The pieces of tubing were washed three times with 3-4 ml buffer, then incubated for 4 h with rabbit antibody to human IgG conjugated with horseradish peroxidase (Dako, Carpinteria, California, USA), washed again, then transferred to clean polystyrene test tubes. 1 ml enzyme substrate (0.2 g/l orthophenyl enediamine dihydrochloride in citrate buffer with 0.25% hydrogen peroxide) was added to each tube and the enzyme reaction was allowed to continue for 20 min, then it was stopped by acidification. The optical density at 492 nm was measured (EIA reader, BioRad, Richmond, California). Each experiment contained one serum sample from patient 1 and a buffer control. Assays were run in duplicate. Optical densities for the buffer controls were always less than 7% of the maximum value for serum from patient 1.

To find out whether the IgG binding to Silastic tubing was specific, IgG was separated from the serum of patient 1, by means of a protein A column (BioRad), and cleaved into Fc and Fab fragments with papain immobilised on Sepharose beads (Pierce Chemicals, Rockford, Illinois). Fab fragments were separated from intact IgG and Fc fragments, concentrated, and checked for purity by sodium dodecyl sulphate polyacrylamide gel electrophoresis. The binding of Fab fragments to Silastic tubing was measured by means of the rabbit anti-IgG or a mixture of anti-kappa and anti-l ambda conjugates (Dako) diluted 1/500 and 1/3000, respectively.

We investigated the specificity of IgG binding to Silastic tubing further by assaying serum samples previously exposed to tubing or methylsiloxane-conjugated proteins. 1/10 dilutions of serum were exposed to 1 cm or 2 cm sections of Silastic tubing, as described

above. The tubing was then removed and a fresh section of tubing was added to each absorbed serum. Both sets of Silastic tubing were processed to determine the amount of IgG bound.

Methylsiloxane-conjugated proteins were made by mixing 1 mg crystalline bovine serum albumin or ovalbumin (Sigma) with 1 ml pyridine in glass tubes previously treated ("siliconised") with a reactive oligodi methylsiloxane (Sigmacote, Sigma). The crystals were sonicated in a bath for 90 min at 56 degrees C and the mixture was left at 23 degrees C overnight to allow the pyridine to infiltrate the protein crystals. Varying amounts (10–1000 mu l) of the silylating agents orthobis- (trimethylsilyl) -trifluoro acetamide (Pierce) or N-trimethyls ilylimadazole (Supelco, Bellefonte, Pennsylvania) were incubated with the protein/pyridine suspension for 2 h at 56 degrees C with sonication. The mixture was evaporated to dryness under nitrogen, and the residue was suspended in 1 ml Tween-phosphate buffer. Control protein complexes were prepared in the same way, but no silylating agent was added; these samples were exposed to pyridine in "siliconised" glass tubes.

The oligomethylsiloxane-protein complexes were then used to absorb serum from patient 1. About 50 mu g of the complex mixture was incubated with 10 mu l serum for 15 min at 37 degrees C in a total volume of 1 ml. The absorbed serum was then used in the Silastic tubing ELISA.

RESULTS

In the ELISA for IgG binding to Silastic tubing, binding of serum IgG from patients 1 and 2 was easily shown at all three dilutions; serum from VP shunt patients without inflammatory reactions and from 9 healthy adults showed much lower or undetectable IgG binding (fig 1). To show that the binding to Silastic was attributable to specific antibody, IgG and Fab fragments from patient 1 were compared. Binding of the Fab fragment (anti-light-chain conjugate) approached that of intact IgG (fig 2). Fig 3 shows the effect of incubating serum from patients 1 and 2 and a normal adult with tubing before assaying the serum for IgG antibodies to Silastic. In both patients, most of the IgG able to bind to Silastic tubing was removed by the preincubation, though the concentration of total IgG determined by rate nephelometry did not change. The amount of IgG able to bind to Silastic tubing was also reduced substantially (22–56%) by preincubation of the serum with protein that had been subjected to pyridine treatment in silicone-treated glasswear (fig. 4). Incubation of serum with proteins treated with increasing amounts of either silylating reagent resulted in further decreases in IgG binding. Proteins conjugated with a large molar excess (680–1400 moles of trimethylsiloxane per mole of hydroxyl residues of protein) removed from the serum 72–81% of the binding activity for Silastic tubing (fig. 4). The results for the two different proteins and two different silylating reagents were pooled, since they showed no significant differences by ANOVA.

DISCUSSION

Temporary and long-term implantation of various devices made from silicones has become common medical therapy. Reactions to there foreign materials are usually restricted to mild fibrosis, 4 but immune mechanisms were proposed for some cases of obstruction of VP shunts, when inflammatory cells were detected in the tubing lumen. 5,6 Other evidence from patients and from experiments in animals suggests that the silicones may not be immunologically inert 2, 3, 7–10 and may elicit inflammatory reactions.

The two patients described here probably represent unusual complications of VP shunt placement, but similarities in their histories suggest common mechanisms. Their VP shunts were well tolerated at first, but after surgical revision of the abdominal pseudocysts and intense subcutaneous reactions developed at the sites of silicone implants and silicone-coated sutures, which could not be attributed to infections. All serum samples from both patients contained IgG that bound to the tubing in greater quantities than did IgG from normal adults or other VP shunt patients without inflammatory reactions.

The bound immunoglobulin seemed to be specific antibodies, since the Fab fragment of IgG also bound to the tubing and most of the binding IgG was removed by preincubation with similar tubing or siloxane-conjugated proteins. However, we cannot attribute the local inflammatory reactions to these antibodies. The granulomas observed in patient 1 are more consistent with T-cell-mediated immune lesions than with antibody-mediated reactions.

We have not yet found a form of polydimethylsiloxane adequate for in-vitro testing of cellular immunity in these patients, though the oligomethylsilane-protein complexes we used may be useful. The nature of the silicone antigen that elicits the immune response is not known.

Because therapeutic use of polydimethylsiloxane is widespread, the frequency of immune responses to these materials and their relation to adverse reactions to silicone implants should be studied further. Better understanding of the mechanisms by which patients become sensitised to polydimethylsiloxane could facilitate the selection of patients for implantation procedures, and aid in the development of new synthetic polymers that reduce the risk of adverse reactions to implantation of important medical devices.

[From the Washington Post, June 18, 1994]

NIH DELAYS FULL-SCALE TESTING OF POTENTIAL AIDS VACCINE

(By David Brown)

The National Institutes of Health yesterday decided to put off sponsoring a full-scale AIDS vaccine trial until more promising vaccines are developed or the two versions now ready for testing show more laboratory evidence that they are likely to work.

As a result, vaccine testing in thousands of high-risk people almost certainly will not occur for at least two years. By then, entirely different strategies for immunization could compete head-to-head, something that would not be possible if the nearly identical "candidate" vaccines were tested now.

An advisory committee of the National Institute of Allergy and Infectious Diseases (NIAID) reached the decision after an eight-hour public meeting yesterday. The recommendation was passed on to Anthony S. Fauci, the institute's director, who immediately accepted it. NIAID oversees virtually all of NIH's clinical studies of AIDS.

The decision will erode the lead that two biotechnology companies, Genentech and Biocine, have in the race to be the first to develop an effective vaccine to prevent infection by the human immunodeficiency virus (HIV). The 28-member advisory panel concluded there was neither compelling scientific evidence nor sufficient enthusiasm in high-risk communities where volunteers would be recruited, to justify a trial now.

In a sea of change from their familiar role of urging early testing of AIDS drugs, several AIDS activists advised against starting a large vaccine trial until there is greater scientific consensus that the candidates are very strong.

"Once we go down this road with a mediocre product . . . we may never have the chance to recruit a large number of people again," said Martin E. Delaney of Project Inform in San Francisco, a member of the advisory committee. He said much of the AIDS-ravaged gay community is discouraged by poor results of AIDS treatment drugs, and is much less likely to volunteer for clinical experimentation now than in the past.

"We have only one chance to test a vaccine in a large randomized trial, and this is not that chance," he said.

At a news conference after the meeting, however, Fauci emphasized the decision was essentially to delay testing the two vaccines, not to reject them as worthless.

"It is clear that the recommendation of the [advisory] group is not that there should be an abandonment of this concept [of immune protection that Genentech and Biocine have developed]," he said.

Both vaccines employ a protein from the virus's shell, or "envelope," to stimulate an uninfected person's immune defense against HIV. Those defenses are antibodies—biochemicals that specifically target the virus—and a class of white blood cells that attacks and kills cells the virus invades immediately after infection.

The protein in the vaccine, called gp120, is made by genetic engineering techniques and is incapable of causing HIV infection itself. It is like the crystal of a watch. The watch's works—in this case, the reproductive machinery of the virus—form no part of the vaccine.

Numerous other vaccines are now in development. Some involve splicing HIV genes into another carrier ("vector") virus, such as vaccine, which is the one used for smallpox vaccination. Replication of the vector then releases large amounts of harmless HIV protein into the body. Some scientists believe this strategy more closely resembles the real mechanism of HIV invasion, and will elicit a more robust defense.

Several panel members said they felt that a large trial testing a vector vaccine against an envelope vaccine would be a better use of time and money than a large trial testing only two envelope vaccines.

The two gp120 products have been used in small studies that allowed researchers to test their safety and to run numerous blood tests on volunteers to determine immune-system effects.

Those studies have shown that gp120 can stimulate a person to make antibodies and can case proliferation of certain types of white blood cells. In laboratory experiments, however, those antibodies have not been able to prevent infection of cells by "wild" HIV virus.

Seven chimpanzees who were given the vaccines subsequently resisted infection when HIV was injected into their bloodstreams. Company representatives pointed to these experiments as proof of their products' promise. Many panel members, however, were unsure how much could be extrapolated from such a small sample of animals—and from a species known to respond very differently from human beings.

The largest of the gp 120 studies done so far enrolled several hundred people at high risk for HIV infection because of their sexual practices or drug use. During the study,

three persons—none of whom had gotten the full course of three shots—developed HIV infection through known routes of exposure. This did not prove that the vaccines were useless, but only that a single dose of them was not protective.

Numerous members of the advisory panel said that before moving to a larger trial, information should be learned about these "breakthrough" cases: what subtype of virus caused them; what their tests of immunity showed; and how their infections progress.

The panel considered two possible trials it could have recommended for starting later this year. One would have required 9,000 high-risk volunteers, divided equally into three groups who would receive one of the two vaccines or placebo. It would have had the power to determine with a high degree of certainty whether a vaccine's effectiveness was 50 percent or greater. Such a study would take 3½ years to run, at a cost of up to $18 million a year.

The other option, enrolling 4,500 people, could reliably identify a useful vaccine only if it was protective 70 percent of the time. There seemed to be little confidence among panel members the gp 120 candidates would perform that well. They concluded such a study (with a price tag as high as $9 million a year for two years) was not worth the money.

A recent survey of a community network of potential vaccine trial volunteers, set up under NIH auspices, showed that only 36 percent of gay men and injection drug users were "very willing" to participate in a vaccine trial.

PROJECT INFORM,
San Francisco, CA,

To whom it may concern: Some groups have suggested that product liability laws are the principal reason we don't yet have a vaccine for AIDS. In response, they suggest that greatly relaxing such laws would result in quick or immediate marketing approval of such a vaccine. This is simply not the case. The principal reason that we don't yet have an approved AIDS vaccine is that no such vaccine has demonstrated the ability to protect humans against the normal routes of infection by HIV, the virus which causes AIDS, and no vaccine has yet been proven to be completely safe. No vaccine has yet reached the stage of testing where product liability issues are even a significant concern.

Last week, as a member of the NIAID AIDS Research Advisory Committee, I voted against initiating widescale human testing of two proposed vaccines for AIDS, products of Genentech and Biocene, a division of Chiron Corporation. Liability issues never once entered the discussion. Instead, the committee voted against approval of wide scale testing primarily because the vaccines hadn't shown sufficient evidence of efficacy in initial trials, and secondarily because some safety questions remain, principally the question of whether such a vaccine might accelerate the course of disease in someone who became infected despite vaccination. Because these concerns remain unanswered, and because of the financial and human resources costs of the proposed trials, it was felt that the public interest would be best served by waiting for the availability of additional promising vaccine candidates which might be tested comparatively. These two vaccines, despite their weaknesses, are the products in the most advanced stage of testing and development of AIDS. Questions of safety and efficacy are thus larger still for any other vaccine candidates, which have not yet had even the level of human testing of these two.

There are many possible ways to build a vaccine for AIDS and I am no position to argue that one approach is inherently better than another. Only a graduated, step-by-step testing process can determine which is the safest and most effective approach. Product liability concerns are not presently an obstacle to such testing, which must precede any marketing approval of a vaccine. Regardless of product liability concerns, the availability of a vaccine for AIDS is many years away.

MATTHEW DELANEY,
Founding Director.

GAO REPORT—FAA'S CERTIFICATION PROCESS, EXECUTIVE SUMMARY

PURPOSE

The Federal Aviation Administration (FAA), which is responsible for certifying that new aircraft designs and systems meet safety standards, is faced with the daunting task of keeping abreast of increasingly complex technologies. Douglas Aircraft Company's MD–11 aircraft, for example, relies on sophisticated software systems to continuously monitor and adjust the hydraulic, electrical, and fuel systems without any action by the crew. Stating that it is crucial for FAA to understand new technologies to certify the safety of commercial aircraft, the Chairman, Subcommittee on Aviation, House Committee on Public Works and Transportation, asked GAO to determine if FAA staff are (1) effectively involved in the certification process and (2) provided the assistance and training needed to be competent in these technologies.

BACKGROUND

Before introducing a new type of aircraft into commercial service, a manufacturer must obtain FAA's certification that the aircraft meets safety standards. Over what is typically a 5-year process, the manufacturer must supply FAA with detailed analyses as well as produce a prototype of the aircraft. The Federal Aviation Act allows FAA to delegate activities, as the agency deems necessary, to approve employees of aircraft manufacturers. Although paid by manufacturers, these designees act as surrogates for FAA in examining aircraft design. FAA is responsible for overseeing the designees' activities and determining whether the designs meet FAA's requirements. A 1980 review by the National Academy of Sciences found that this delegation system was sound but warned that FAA was falling behind the industry in competence. The Academy recommended that FAA define a structured role for itself in the certification process and hire 20 to 30 experts to assist staff. FAA concurred with the findings, noting that it was developing a program employing experts and was committed to improving its training program.

RESULTS IN BRIEF

FAA has not ensured that its staff are effectively involved in the certification process. Despite the National Academy of Sciences' recommendation in 1980 that FAA develop a more structured role in the process, the agency has increasingly delegated duties to manufacturers without defining such a role. FAA now delegates up to 95 percent of the certification activities to manufacturers without defining (1) critical activities in which FAA staff should be involved, (2) guidance on the necessary level and quality of the oversight of designees, and (3) standards to evaluate staff members' performance. As a result, FAA staff no longer conduct all of such critical activities as the approval of test plans and analyses of hypothetical failures of systems. Because FAA has increased delegation over the last 13 years, its ability to effectively oversee or add value to the certification process as well as understand new technologies has been questioned by internal reviews and FAA and industry officials.

FAA has also not provided its staff the assistance and training needed to ensure competence in new technologies. While many FAA and manufacturing officials GAO interviewed stated that FAA's hiring of experts to assist staff is an excellent concept, FAA never fully implemented the program. FAA identified a need for 23 experts but has staffed only 8 positions. In addition, FAA has not identified critical points in the certification process that require experts' involvement. As a result, the experts are sometimes not sought for advice and are often involved in the process too late for them to be most effective. Also, FAA's training has not kept pace with technological advancements. GAO found, for example, that between fiscal years 1990 and 1992, only 1 of the 12 FAA engineers responsible for approving aircraft software attended a software-related training course. FAA officials acknowledged that inadequate training over the last decade has limited the certification staff's ability to understand such areas of dramatic technological advancement. As a result, FAA is developing a new training program. However, the program may not have the structure necessary to improve the staff's competence. The program does not, for example, establish specific training requirements for staff in their areas of responsibility.

PRINCIPAL FINDINGS

FAA has increased delegation without ensuring an effective role for staff

Since 1980, FAA has delegated most certification activities to designated manufacturing employees without defining or measuring an effective role for its own staff. Between 1980 and 1992, the number of designees rose from 299 to 1,287 (330 percent), while the number of FAA engineers and test pilots increased from 89 to 117 (31 percent). FAA has increasingly relied on designees because of a dramatic growth in its work load caused by more complex aircraft systems and an increase in such higher-priority duties as issuing directives to ensure the safety of already certified aircraft. FAA estimated, for example, that it delegated approximately 95 percent of the certification activities for the Boeing 747–400 aircraft. An FAA review in 1989 concluded that the amount of work delegated to designees had reached the maximum for properly managing the certification process and that further delegation would reduce FAA's ability to understand new technologies. Another internal review found that staff were not sufficiently familiar with the Boeing 747–400's flight management system to define requirements for testing it or verifying regulatory compliance. Both FAA's and Boeing's Certification Directors acknowledged that FAA's approach is too ad hoc and unmeasured to ensure a minimum effective level of involvement by FAA.

The National Academy of Sciences raised similar concerns in 1980. However, FAA has yet to identify critical activities in which staff should be involved, set standards governing the level and quality of the oversight of designees, or develop measures through which staff members' performance can be evaluated. For example, FAA has not established the extent to which it needs to be involved in the development and approval of

test plans for key aircraft systems. The Academy concluded that the delegation system was sound, in part because FAA retained the approval of test plans. GAO found, however, that FAA has delegated the approval of as many as 95 percent of test plans to designees. FAA's Aircraft Certification Service Director has acknowledged the need to better define and measure an effective role for FAA staff in the certification process and stated that the agency will initiate an effort to define such a role. Until FAA completes this effort, questions will remain about the value that the agency's employees add to the process.

Staff's competence limited by lack of assistance and training

FAA has not provided the technical assistance needed to ensure the staff's competence in evaluating the latest technologies. FAA did not fully implement a program in which experts assist staff during the certification process. In 1979, FAA identified a need for over 20 experts in such areas as advanced avionics but authorized only 11 positions and staffed only 8. FAA officials stated that the agency could not attract qualified people but acknowledged that (1) FAA has not formally examined the need for additional experts since 1979 and (2) recent layoffs by manufacturers may have increased the pool of qualified individuals. Furthermore, because FAA has not identified key points in the process requiring the involvement of experts, their knowledge is not optimally used. For example, two experts were not involved in crucial early junctures in the certification of the Boeing 777. After discovering that Boeing was employing new designs, the two raised concerns about test requirements. Because of these concerns, Boeing modified its test procedures in one case and is currently reviewing them in the other.

In 1991, a contractor hired by FAA found that the agency does not have adequate training for its certification staff in such areas as composite materials and software systems. GAO found that his lack of training has occurred despite a 1987 internal study that recommended FAA establish annual training requirements. Citing the increasing inexperience of FAA staff—over half of the engineers with primary responsibility in the certification of the Boeing 777 have never participated in a major certification project—FAA is developing a new training program. While supporting this effort, GAO is concerned because it does not establish specific training requirements or identify technical training available from universities, private industry, and other government agencies.

RECOMMENDATIONS

GAO recommends that the Secretary of Transportation direct the Administrator, FAA, to define a minimum effective role for the agency in the certification process by identifying critical activities requiring FAA's involvement or oversight, establishing guidance on the necessary level and quality of the oversight of designees, and developing measures through which staff members' effectiveness can be evaluated. GAO also recommends that the FAA Administrator formally examine the need to hire experts in areas of technological advancement, require experts' involvement early in the certification process and at other key junctures, establish specific training requirements, and identify training in new technologies that is available at universities, industry, and other government agencies.

AGENCY COMMENTS

Although the Department of Transportation (DOT) takes the position that FAA staff and experts are effectively involved in the certification process, it concurred in part with GAO's recommendations. DOT did not fully concur with the recommendations because it felt that they would impose rigid requirements dictating the sequence and participants at each juncture of the process. GAO's recommendations are not designed to impose rigid requirements, but rather to enhance the technical competence of FAA staff and ensure that they add more to the certification process. GAO found that FAA needs to establish basic guidance that describes the critical activities requiring staff members' involvement, establishes measures to evaluate staff members' performance, and defines when experts should be consulted. The lack of such guidance—combined with inadequate training—has brought into question the value added by FAA's activities. An advisory group of individuals with distinguished aviation backgrounds agreed with GAO's conclusion.

DOT also stated that the delegation system has been effective. GAO agrees. The current process results in safe designs largely because of the efforts and expertise of the designees. What is less clear, however, is the extent to which the contributions of FAA staff materially add to this level of safety. Finally, DOT maintained that annual training requirements would be too "rigid." GAO acknowledges DOT's concern and has deleted its reference to annual requirements in recommending that staff receive the training needed to fulfill their certification mission.

Mr. WOFFORD. Madam President, I rise to oppose S. 687, I believe this legislation would unjustly limit the ability of consumers to receive full and just compensation for negligent conduct on the part of manufacturers, while unnecessarily interfering with State authority in the area of tort law.

Since I came to the Senate in 1991, I have consistently opposed effort to federalize tort laws. Under the principles of federalism, States have historically established their own tort rules. The Product Liability Fairness Act would change that historic practice by establishing national rules for some, but not for all, aspects of product liability law.

For example, S. 687 would prohibit punitive damages in most cases of products that receive FDA approval. Such an exemption would preempt existing State laws that allow for punitive damages, like Pennsylvania's. This bill presents the greatest threat to woman, the elderly, and the poor. Women would be severely affected because many of the more dangerous drugs and medical devices produced have a major impact on woman's health.

Just recently I received a letter from Karen M. Hicks of Bethlehem, PA, who like almost 4 million other women, was the victim of the Dalkon shield, IUD. Ms. Hicks writes:

I began using the Dalkon Shield in 1972. Over the next 10 years, I suffered many medical problems. However, the [* * *] Company had skillfully and deliberately suppressed the facts about the havoc it was wreaking on women's bodies. Neither I nor my doctors were able to pinpoint the cause of my damage for more than a decade. In 1984, one week after I was married, I had to have an emergency total hysterectomy from the cumulative damages I had suffered for so long. That time bomb finally exploded and robbed me of my fertility. For all those years, I was told that my problems were "all in my head" The emotional wreckage is too painful to talk about. If Congress cares about the health and safety of women, it will defeat this legislation.

Proponents of S. 687 will argue that we must pass this bill to end the litigation explosion from frivolous lawsuits resulting in runaway jury verdicts. To that end, S. 687 would impose the more difficult standard of clear and convincing evidence before a jury could impose punitive damages. Before we impose such a standard we must first have clear and convincing evidence that there is a problem that needs to be fixed. I am not convinced that that evidence exists.

Madam President, before we take this step down the road to making it more difficult for consumers to receive full compensation for their injuries and remove important levers of accountability that deter manufacturers from unsafely cutting corners, we must listen to the many Americans like Ms. Hicks. And we must respect the important strides made by State legislatures in the area of tort law. We should not pass this bill.

Mr. COHEN. Mr. President, I rise in opposition to S. 687, the Product Liability Act. The bill is an unnecessary and unwise encroachment on the States in an area in which they possess abundant legislative and judicial experience. The legislatures of each State have debated product liability issues, enacted laws, and refined these laws in accordance with the will of the people who live under them. Additionally, the courts of each State have interpreted these laws, wrestled with the legal nuances, and developed sound bodies of case law.

This legislative and judicial experience has produced laws that strike a careful balance between the needs of plaintiffs and defendants, between the needs of consumers and businesses. These laws ensure that plaintiffs are redressed for injuries caused by defective products and ensure that defendants are protected from unwarranted lawsuits. S. 687 fails to strike the proper balance.

Congress may, of course, impose its will on the States. As shown by Chief Justice Marshall's landmark opinion in Gibbons versus Ogden and by Justice Holmes's classic dissent in Hammer versus Dagenhart, the Commerce Clause is a source of great power for the Federal Government. Indeed, the Commerce Clause empowers Congress to preempt State law to ensure a coherent structure to the national economy—but Congress must exercise this power with great care. In "The Federalist," James Madison notes the delicate balance between the Federal Government and the States, and he warns

against "ambitious encroachments of the Federal Government on the authority of the State governments." S. 687 is such an encroachment.

For over 200 years, principles of federalism have prevailed as tort law has remained the province of the States. During this time, State legislatures have examined the issues and worked to pass laws that are fair and just. Similarly, State courts have scrutinized these laws and developed a significant expertise as well as a solid body of jurisprudence. This legislative and judicial experience has produced systems that are, on the whole, knowledgeable, stable, and equitable.

Absent an overwhelming need to alter this time-tested structure, it should be left alone. The Conference of Chief Justices agrees. Speaking on behalf of the Conference of Chief Justices at a recent Judiciary Committee hearing, Chief Justice Carrico of the Supreme Court of Virginia said: "[T]he response [to any defects in the system] should be left to the States where the power to decide local questions has remained for more than 200 years. There is no reason to believe that the States will not exercise the power wisely."

The United States is a nation of States. The need for the States to exercise their autonomy can be traced from the Constitutional Convention and the early days of the Union to the present day. States play a vital role in promoting the public good and, as in the case of product liability, are often in a better position to fashion a system that is attentive to the needs of the people. Thomas Jefferson once wrote, "Our country is too large to have all its affairs directed by a single government." This statement applies with particular force to the field of product liability.

Proponents of S. 687 argue that uniformity is essential to product liability law. Although uniformity is beneficial in many areas of the law, in the area of product liability it is not. The federalism embodied in the present system of product liability law should be valued, not disparaged. The vague promise of uniformity should not lead us to lay waste to State statutes and State common law. The diversity of State rules of liability is a strength, not a weakness.

Rather than have the Federal Government create rules for product liability, it would be better to continue to let each State experiment and devise a system for dealing with the problems particular to that State. As Justice Louis Brandeis stated:

> There must be power in the States * * * to remould, through experimentation, our economic practices and institutions to meet changing social and economic needs. * * * To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

Entering the field of product liability may be tempting for some, but we must resist the temptation or, like Pandora and her husband Epimetheus, we will regret our actions. If S. 687 is passed, the Federal Government will become forever ensnared in the field of product liability. In the next Congress, we will almost certainly have to revisit the very same issues that we are debating today. Interest groups will be clamoring for changes. At a time when the crush of legislation is already great, Members of Congress will have to spend more time on product liability, leaving less for health care, crime, education, and other pressing Federal concerns.

One provision of S. 687 is particularly striking and particularly troubling. Under section 4(e), decisions of a U.S. Court of Appeals interpreting this act would be binding on all Federal and State courts within the judicial circuit. Although the decisions of the Federal appellate courts should, obviously, bind the lower Federal courts, it is an affront to State sovereignty to have the decisions of Federal courts bind State courts.

Such a provision is unprecedented. Two State chief justices have written that they know of no other congressional legislation using the language contained in section 4(e). Again, Chief Justice Carrico of Virginia has stated that section 4(e) is "a serious threat to federalism" and "would reduce State supreme courts to second class citizens in the field of products liability law." Also, Chief Justice Feldman of Arizona, has stated that "The suggestion that section 4(e) be included in the product liability bill is almost offensive to State courts." He added, "It is one thing * * * to defer and another to be told to obey." Additionally, Federal judges whom I consulted have advised me that section 4(e) is both unseemly and unnecessary, and it has severe implications for federalism.

Section 4(e) and the litigation engendered by the rest of S. 687 would add to the Supreme Court's case load at a time when its docket is already full. In the field of tort law, State courts have proven to be sound arbiters. There is no need to burden the Supreme Court with cases involving complex questions of State and Federal law.

Section 4(e) was included to ensure uniformity in the field of product liability. But by supplanting State statutory and common law governing the substantive rules of product liability, S. 687 would cause uncertainty and complexity rather than certainty and clarity. The Conference of Chief Justices has even commented that "If the search is for * * * settled law, the goal will not be achieved through Federal product liability legislation. S. 687 would preempt all related State law and substitute Federal standards, with changed and untested terms and concepts. * * * A legal thicket is inevitable."

The Product Liability Act would thwart one of the primary goals of the civil justice system which, as stated in Rule 1 of the Federal Civil Rules of Procedure, is "to secure the just, speedy, and inexpensive determination of every action." Both claimants and defendants would be harmed.

We need a legal system that benefits all Americans: Consumers, manufacturers, workers, and sellers. S. 687 would not create such a system. It would unnecessarily intervene in an area best left to the States.

From the beginning of the Republic to the Civil War to the present day, federalism has played in important role in the balance of power in the Nation—in the ability of the people to express their will. The federalism embodied in the current system of tort law is valuable and necessary. I am not convinced that S. 687 will make the field of product liability more equitable, predictable, or efficient. It is better for States to have the flexibility to tailor their product liability laws without Federal preemption.

Finally, Mr. President, I want to briefly discuss the so-called liability crisis. For years proponents of Federal product liability legislation have claimed that the present system is to blame for skyrocketing costs, lawsuits running rampant, and a suffering economy. They say that this legislation is necessary because there is a crisis in product liability cases, but there is not a crisis.

In reality, product liability claims declined by 36 percent in the Federal courts between 1985 and 1991, excluding the unique claims of asbestos. In State courts, all tort cases amount to less than 10 percent of the total case load and only three-tenths of 1 percent of all civil cases.

Critics of the present system also claim that there has been an explosion in punitive damage awards. It is important to note that the vast majority of States have reformed punitive damage rules. In the last 25 years, punitive damages have only been awarded 353 times in product liability cases; 25 percent of these awards were reversed or remanded on appeal.

While proponents of Federal product liability standards assert that product liability cases costs American business $100 billion a year, the National Association of Insurance Commissioners pegs the actual figure at about $4 billion. This figures includes insurance premiums paid by businesses, actual damage awards and legal fees. As others have pointed out, $4 billion is less than what Americans spend annually on dog food. This is well under one-fifth of 1 percent of retail sales.

In conclusion, Mr. President, after weighing the claims that a uniform

body of Federal product liability law would promote competitiveness against the costs of abandoning our well-established decentralized system, I have concluded that Federal preemption of State product liability laws would be unnecessary and unwise. It would trample the rights of States, disregard their vital experience, impose blanket rules on regions that have different needs, abrogate the sovereignty of State courts, and unnecessarily entangle Congress in the field of product liability. The States have the experience and have demonstrated the ability to handle product liability claims.

Mr. HEFLIN. Madam President, as we conclude debate on S. 687 relating to product liability legislation, I would especially like to thank all of those who have contributed to our efforts to get the facts before the Senate on this bill.

I would like to recognize the staff members of those Senators who joined our cause and who assisted their particular Senators. Their tireless efforts to assist us in researching the various issues, which were often difficult and complex, should be recognized and appreciated. I know that they put in a great deal of overtime at night and on weekends as we prepared for the floor debate which has just ended.

I want to thank Kevin Curtin, Moses Boyd, Claudia Simons, and Jim Drewry of Senator HOLLINGS' staff; Gene Kimmelman and Mike Lenett of Senator METZENBAUM'S staff; Sean Moylan of Senator BIDEN'S staff; Jeff Neterval of Senator FEINGOLD'S staff; Pam Smith of Senator MOSELEY-BRAUN'S staff; Phil Buchan of Senator HARKIN'S staff; Ken Boley of Senator WELLSTONE'S staff; Cathy Smith of Senator SHELBY'S staff; Thomas Moore of Senator BREAUX'S staff; Greg Rohde of Senator DORGAN'S staff; Judy Applebaum of Senator KENNEDY'S staff; Laura Schiller of Senator BOXER'S staff; Carlos Angulo of Senator SIMON'S staff; and Winston Lett of my subcommittee staff. Each should be recognized for the superb staff work they contributed on behalf of their individual Senators.

Ms. MOSELEY-BRAUN. Madam President, whether the sponsors of S. 687 had been successful in invoking cloture today or not, it is highly unlikely that this bill would have made its way to President Clinton's desk for his signature this year. The House of Representatives has not yet acted on its product liability legislation. This is a very busy year, and we are rapidly approaching the end of this Congress. All of these facts worked to undermine the prospects for completing action on S. 687 before we adjourn.

The amendment pending to S. 687 when the motion for cloture failed was an amendment proposed by Senator DORGAN and I, to strike the "FDA and FAA excuse" provisions from S. 687. I very much regret that the procedural posturing on this legislation made it impossible for a vote to occur on our amendment, as well as on a number of other amendments that had been proposed prior to the cloture vote. Unfortunately, the U.S. Senate was put in the position that this bill could not get the time it deserved.

While the time shortage and the procedural maneuvering made it impossible for me to vote for cloture today, I want to make it very clear that I have voted against cloture on this issue for the last time. The problems present in our product liability system are problems that this body must address.

The current system is too slow. The transaction costs are too high. Given the fact that markets for products are now national and global in scope, there is a good case to be made for a Federal approach.

That is not to say that I agree with every provision of S. 687 as currently drafted. I do not. Senator DORGAN and I proposed one amendment to strike the FDA excuse, and I daresay that had cloture been invoked I may have sponsored or cosponsored amendments to strike or modify other portions of the legislation.

Unfortunately, the majority of the product liability debate this year focused on whether the Federal Government should get involved in this area. Our focus in the future must not be limited to whether the Federal Government should be involved in product liability reform, but should also address what standards are appropriate to apply in product liability actions.

Before I close, Madam President, I want to thank Senators ROCKEFELLER and GORTON for this willingness to address the issue of the FDA and FAA excuse. I greatly appreciate their willingness to listen to and act on the concerns Senator DORGAN and I raised, and I deeply regret that we were not able to vote on this issue.

Finally, I simply stress that this issue—the issue of product liability reform—has been before the Senate for over a decade now. I want to state for the RECORD that I am committed to seeing that the next Congress acts on a bill that addresses the problems present in our current system, that is fair to consumers, employers, product sellers, and manufacturers. I believe that everyone who is interested in our civil justice system should come to the table and work with the Commerce Committee, Senator ROCKEFELLER and the entire Congress to address and resolve the underlying issues.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 409, S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law:

Jay Rockefeller, J. Lieberman, John Glenn, Claiborne Pell, Bob Kerrey, J.J. Exon, Harlan Mathews, Slade Gorton, Orrin G. Hatch, Strom Thurmond, Daniel Coats, Judd Gregg, Dirk Kempthorne, Pete V. Domenici, Larry Pressler, Kay Bailey Hutchinson, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 687, the product liability fairness bill, shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METZENBAUM. Madam President, I have a pair with the distinguished Senator from Arizona [Mr. DECONCINI]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. FORD. I announce that on this vote, the Senator from Arizona [Mr. DECONCINI] is paired with the Senator from Ohio [Mr. METZENBAUM].

If present and voting, the Senator from Arizona would vote "aye" and the Senator from Ohio would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—57

Bennett	Faircloth	Mathews
Bond	Feinstein	McCain
Boren	Glenn	McConnell
Brown	Gorton	Mikulski
Burns	Gramm	Murkowski
Byrd	Grassley	Nickles
Chafee	Gregg	Nunn
Coats	Hatch	Packwood
Conrad	Hatfield	Pell
Coverdell	Helms	Pryor
Craig	Hutchison	Robb
Danforth	Jeffords	Rockefeller
Daschle	Kassebaum	Sasser
Dodd	Kempthorne	Smith
Dole	Kohl	Specter
Domenici	Lieberman	Stevens
Dorgan	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Warner

NAYS—41

Akaka	Cochran	Johnston
Baucus	Cohen	Kennedy
Biden	D'Amato	Kerrey
Bingaman	Feingold	Kerry
Boxer	Ford	Lautenberg
Bradley	Graham	Leahy
Breaux	Harkin	Levin
Bryan	Heflin	Mitchell
Bumpers	Hollings	Moseley-Braun
Campbell	Inouye	Moynihan

Murray	Roth	Simpson
Pressler	Sarbanes	Wellstone
Reid	Shelby	Wofford
Riegle	Simon	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Metzenbaum, against

NOT VOTING—1

DeConcini

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE RETURNED TO THE CALENDAR—S. 687

The PRESIDING OFFICER. Under the previous order, S. 687, the Product Liability Fairness Act, will be returned to the calendar.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 471, H.R. 4426, the foreign operations appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $23,009,101, to remain available until expended: *Provided, That one quarter of such funds may be obligated only after April 1, 1995: Provided further, That one quarter of such funds may be obligated only after September 1, 1995: Provided further, That not more than twenty-one days prior to the obligation of each such sum, the Secretary shall submit a certification to the Committees on Appropriations that the Bank has not approved any loans to Iran since October 1, 1994, or the President of the United States certifies that withholding of these funds is contrary to the national interest of the United States.*

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $743,923,914.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), [$88,800,000] *$98,800,000*, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, [$1,235,000,000] *$1,207,750,000*, for the United States contribution to the replenishment, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $68,743,028, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,364,000 may be expended for the purchase of such stock in fiscal year 1995.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $28,111,959, and for the United States share of the increases in the resources of the Fund for Special Operations, $21,338,000, and for the United States share of the capital stock of the Inter-American Investment Corporation, $190,000, to remain available until expended[: *Provided*, That $25,269,224 of the amount made available for the paid-in share portion of the increase in capital stock, and $20,317,000 of the resources of the Fund for Special Operations shall be subject to the regular notification procedures of the Committees on Appropriations].

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,594,568,180.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $75,000,000 to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $167,960,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $124,229,309, for the United States contribution to the African Development Fund, to remain available until expended[: *Provided*, That of the funds appropriated under this heading, $20,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations].

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $133,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,002,540.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $69,180,353, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended: *Provided*, That during fiscal year 1995 the number of shares of stock purchased shall be not more than 600.

LIMITATION OF CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $161,420,824.

CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$366,000,000] *$382,000,000*: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its

right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading that are made available for the United Nations Children's Fund (UNICEF), 75 per centum shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum shall be expended within thirty days from the start of UNICEF's fourth quarter of operations for 1995: *Provided further*, That none of the funds appropriated under this heading that are made available to the United Nations Population Fund (UNFPA) shall be made available for activities in the People's Republic of China: *Provided further*, That not more than [$40,000,000] *$60,000,000* of the funds appropriated under this heading may be made available to the UNFPA: *Provided further*, That not more than one-half of this amount may be provided to UNFPA before March 1, 1995, and that no later than February 15, 1995, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount UNFPA is budgeting for the People's Republic of China in 1995: *Provided further*, That any amount UNFPA plans to spend in the People's Republic of China in 1995 above $7,000,000, shall be deducted from the amount of funds provided to UNFPA after March 1, 1995 pursuant to the previous provisos: *Provided further*, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds[: *Provided further*, That notwithstanding the fifth proviso of this heading, if UNFPA decides not to initiate a new program in China after its current program ends in 1995, up to an additional $20,000,000 of funds appropriated under this heading may be made available to UNFPA].

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1995, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, [$811,000,000] *$882,000,000*, to remain available until September 30, 1996: *Provided, That of the funds appropriated under this title under the heading "Agency for International Development", (1) not less than $285,000,000 shall be made available for activities which have as their objective the reduction of childhood mortality, including such activities as immunization programs, oral rehydration programs, and education programs which address improved nutrition, and water and sanitation programs, (2) not less than $135,000,000 shall be made available for basic education programs, and (3) not less than $25,000,000 shall be made available for micronutrient programs: Provided further, That of the funds appropriated under this heading, not less than $1,000,000 shall be made available for support of displaced Burmese including for cross border activities: Provided further, That of the funds appropriated under this heading, not less than $600,000 shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further, That the Agency for International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law.*

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $450,000,000, to remain available until September 30, 1996: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counselling about, or referral for, all pregnancy options including abortion: Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, [$790,000,000] *$802,000,000*, to remain available until September 30, 1996: *Provided*, That none of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Community shall be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $169,998,000 to remain available until expended.

DEBT RESTRUCTURING

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, $7,000,000, to remain available until expended[: *Provided*, That it is the sense of the Congress that a program should be developed to undertake direct buy backs of bilateral debt from eligible poor and lower-middle income countries with local currency offsets to fund development and environmental activities, provided that such a program would have no budgetary impact. The Administration should consider how creative use of the sale of impaired Third World debts might be used to lower debt overhangs and generate local currencies for development and environmental activities].

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the subsidy cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961.* In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $19,300,000: *Provided*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, $8,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) and, with regard to programs for Eastern Europe and programs for the benefit of South Africans disadvantaged by apartheid, section 223(j) of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,118,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, [$517,500,000] *$517,800,000*[: *Provided*, That of this amount not more than $900,000 may be made available to pay for printing costs]*.*

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $39,118,000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,339,000,000] *$2,359,200,000*, to remain available until September 30, 1996: [*Provided*, That any funds appropriated under this heading that are made available for Israel shall be made available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: *Provided further*, That any funds appropriated under this heading that are made available for Egypt shall be provided on a grant basis, of which sum cash transfer assistance may be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years:] *Provided, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further, That not more than $50,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $50,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: Provided further, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions, and promote peace and cooperation between the two communities on Cyprus: Provided further, That not less than $7,000,000 of the funds appropriated under this heading shall be available only for the Middle East Regional Cooperation Program.*

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of part I of the Foreign Assistance Act of 1961, up to [$19,600,000] *$15,000,000*, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, [$360,000,000] *$359,000,000*, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance *and for related* programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, [$875,500,000] *$839,000,000*, to remain available until expended: *Provided*, That the provisions of 498B(j) of the Foreign Assistance Act of 1961 shall apply to funds appropriated by this paragraph.

(b) None of the funds appropriated under this heading shall be transferred to the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

(c) Funds may be furnished without regard to subsection (b) if the President determines that to do so is in the national interest.

(d) None of the funds appropriated under this heading shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief[: *Provided further*, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the new independent states concerning violations referred to in this subsection: *Provided further*, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe].

(e) None of the funds appropriated under this heading for the new independent states of the former Soviet Union shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, defense conversion or non-proliferation programs, or programs to support troop withdrawal including through the support of an officer resettlement program, and technical assistance for the housing sector.

(f) Funds appropriated under this heading shall be subject to the regular [reprogramming] *notification* procedures of the Committees on Appropriations.

(g) Funds appropriated under this heading may be made available for assistance for Mongolia.

(h) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be provided to the maximum extent feasible through the private sector, including private voluntary organizations and nongovernmental organizations functioning in the new independent states.

(i) Of the funds appropriated under this heading, $15,000,000 shall be available only for a family planning program for the new independent states of the former Soviet Union comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion: Provided, That of such amount, $6,000,000 shall be available only for such a family planning program in

Russia, $3,000,000 shall be available only for such a family planning program in Ukraine, Moldova, and Belarus, and $6,000,000 shall be available only for such a family planning program in the Central Asian Republics.

(j) Of the funds appropriated under this heading, not less than $150,000,000 shall be available for programs for Ukraine: Provided, That of these funds not less than $25,000,000 shall be made available for land privatization activities and development of small and medium size businesses, including agriculture enterprises.

(k) Not less than $75,000,000 of the funds appropriated under this heading shall be available for programs and activities for Armenia.

(l) Not less than $50,000,000 of the funds appropriated under this heading shall be made available for programs for Georgia.

(m) Every 180 days, the Administrator for the Agency for International Development shall provide the Committees on Appropriations with a report listing grants and contracts issued from funds under this heading including the type, amount and country where assistance is expended.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the President of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the dollar limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), [$219,745,000] *$221,745,000*, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1996.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, [$115,000,000] *$100,000,000*: *Provided, That during fiscal year 1995, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive nonlethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That notwithstanding sections 489A and 490A of the Foreign Assistance Act of 1961 and any reference in any provision of law to such sections, and notwithstanding section 6(a) of the International Narcotics Control Act of 1992, the provisions of sections 489 and 490 of the Foreign Assistance Act of 1961 shall apply during fiscal year 1995.*

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, [$670,688,000] *$671,000,000*: *Provided*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further, That not less than $80,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.*

[REFUGEE RESETTLEMENT ASSISTANCE

[For necessary expenses for the targeted assistance program authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 and administered by the Office of Refugee Resettlement of the Department of Health and Human Services, in addition to amounts otherwise available for such purposes, $12,000,000.]

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $15,244,000.

NONPROLIFERATION AND DISARMAMENT FUND

For necessary expenses for a "Nonproliferation and Disarmament Fund", $10,000,000, to remain available until expended, to promote bilateral and multilateral activities: *Provided*, That such funds may be used pursuant to the authorities contained in section 504 of the FREEDOM Support Act: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $25,500,000: *Provided*, That up to $300,000 of the funds appropriated under this heading may be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 on the condition that that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military, *and may also include individuals who are not members of a government*: *Provided further*, That none of the funds appropriated under this heading shall be available for [Indonesia,] *Rwanda* and Zaire: [*Provided further*, That none of the funds appropriated by this Act shall be used to facilitate the provision of IMET to Indonesia:] *Provided further*, That a report is to be submitted to the Committees on Appropriations addressing how the proposed School of the Americas IMET program *for fiscal year 1995* will contribute to the promotion of human rights, respect for civilian authority and the rule of law, the establishment of legitimate judicial mechanisms for the military, and achieving the goal of right sizing military forces: *Provided further, That none of the funds appropriated under this heading may be made available for Thailand or Algeria except through the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit, by February 1, 1995, a report to the Committees on Appropriations on the Thai military's support for the Khmer Rouge and the Thai Government's efforts to impede support for Burmese democracy advocates, exiles, and refugees.*

MILITARY-TO-MILITARY CONTACT PROGRAM

For necessary expenses, for the military-to-military contact program of the Department of Defense, $12,000,000[, to]: *Provided, That of this amount, $2,800,000 shall be made available only for activities in the area of responsibility of the United States Pacific Command and $9,200,000 shall* be made available only for activities for East European countries and the Baltic States.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,149,279,000] *$3,151,279,000*[: *Provided*, That funds appropriated by this paragraph that are made available for Israel and Egypt shall be available only as grants: *Provided further*, That the funds appropriated by this paragraph that are made available for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later:] *Provided, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: Provided further, That the funds appropriated*

by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1994, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $47,917,000: *Provided,* That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $619,650,000: *Provided further,* That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: [*Provided further,* That the principal amount of direct loans for Greece and Turkey shall be made available according to a 7 to 10 ratio:] *Provided further, That funds appropriated under this heading shall be made available for Greece and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $255,150,000 only for Greece and $364,500,000 only for Turkey:* [*Provided further,* That 25 percent of the principal amount of direct loans for Turkey shall be withheld until the Secretary of State, in consultation with the Secretary of Defense, has submitted to the Committees on Appropriations a report addressing, among other things, the allegations of abuses against civilians by the Turkish armed forces and the situation in Cyprus, and a separate notification has been submitted at least 15 days prior to the obligation of such funds: *Provided further,* That 25 percent of the principal amount of direct loans for Greece shall be withheld until the Secretary of State has submitted to the Committees on Appropriations a report on the allegations of Greek violations of the United Nations sanctions against Serbia and of the United Nations Charter, and a separate notification has been submitted at least 15 days prior to the obligation of such funds] *Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey that is entered into by the United States during fiscal year 1995 shall expressly state that the equipment is being provided by the United States only with the understanding that it will not be used for internal security purposes: Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Greece that is entered into by the United States during fiscal year 1995, shall expressly state that the equipment is being provided by the United States only with the understanding that it will not be used in violation of the United Nations sanctions against Serbia or the United Nations Charter.*

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): *Provided further,* That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Guatemala, Peru, and Malawi: *Provided further,* That none of the funds appropriated under this heading may be made available for Colombia or Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities: *Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That any agreement for the sale or provision of any equipment on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Indonesia that is entered into by the United States during fiscal year 1995 shall expressly state the understanding that the equipment may not be used in East Timor: Provided further,* That not more than $100,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for necessary expenses for grants if countries specified under this heading as eligible for such direct loans decline to utilize such loans: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That not more than $22,150,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That not more than $335,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during [the fiscal year 1994] *fiscal year 1995* pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

Notwithstanding any provision of Public Law 102–391 as amended by Public Law 103–87, not to exceed $140,000,000 of the obligational authority provided in that Act under the heading "Special Defense Acquisition Fund" may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act.

Not to exceed $20,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of closing the Special Defense Acquisition Fund, to remain available for obligation until September 30, 1998: Provided, That the authority provided in this Act is not used to initiate new procurements.

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $75,000,000: *Provided, That of this amount up to $850,000 may be transferred to, and merged with, funds appropriated under the heading "International Military Education and Training" to carry out the provisions of section 541 of the Act: Provided further, That funds transferred under the previous proviso shall be in addition to amounts that may be transferred between accounts under the authority of any other provision of law.*

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, [$792,653,000] *$786,551,000* to remain available until September 30, 1996: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: [*Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied-aid grants, and total

loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $19,000,000,000:] *Provided further*, That such sums shall remain available until 2010 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1995 and 1996: *Provided further*, That up to $100,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, [$44,550,000] *$45,228,000*: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1995.*

OVERSEAS PRIVATE INVESTMENT CORPORATION

[PROGRAM ACCOUNT

[For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, $23,296,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $7,933,000: *Provided*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1994 through September 30, 1996: *Provided further*, That such sums are to remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996.

[The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.]

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $24,322,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961 shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $34,944,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That not less than $24,944,000 of such subsidy shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1995 and 1996, and the remainder of such subsidy shall be available for such purposes without fiscal year limitation: Provided further, That such sums that are made available during fiscal years 1995 and 1996 shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996: Provided further, That such sums that are obligated after fiscal year 1996 shall remain available for the disbursement of direct and guaranteed loans through the end of the eighth fiscal year after the fiscal year in which such sums were obligated. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $44,986,000.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, [the Socialist Republic of Vietnam,] Iran, Serbia, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the

exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1995, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1995.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1 and 8 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training" [(including the military-to-military contact program)], *"Military-to-Military Contact Program"*, "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of

the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1996.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 517. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

REPORTING REQUIREMENT

SEC. 519. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated in this Act shall be obligated or expended for Colombia, *Dominican Republic*, El Salvador, Guatemala, Haiti, Indonesia, Liberia, Nicaragua, Pakistan, Peru, Rwanda, Sudan, or Zaire except as provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That this section shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for El Salvador and Nicaragua.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 522. Up to $8,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, [the Socialist Republic of Vietnam,] Iran, Syria, North Korea, *or the* People's Republic of China[, or Laos] unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1994" and inserting in lieu thereof "1995".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended [subject to] *notwithstanding* section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided, That the Secretary of the Treasury may, to fulfill commitments of the United States, (a) subscribe to and make payment for shares of the Inter-American Development Bank, make contributions to the Fund for Special Operations of that Bank, and vote for resolutions (including amendments to that Bank's constitutive agreement), all in connection with the eighth general increase in resources of that Bank; and (b) contribute to the Restructured Global Environment Facility under its Instrument, to the African Development Fund in connection with the seventh general replenishment of its resources, and to the Interest Subsidy Account of the successor to the Enhanced Structural Adjustment Facility of the International Monetary Fund. The amount to be paid in respect of each such contribution or subscription is authorized to be appropriated without fiscal year limitation. Each such subscription or contribution shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.*

DEPLETED URANIUM

SEC. 527. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M–833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 528. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution designated in subsection (b), and the Administrator of the Agency for International Development shall instruct the United States Executive Director of the International Fund for Agriculture Development, to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, the African Development Fund, and the European Bank for Reconstruction and Development.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 529. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 530. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 531. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States [marine] insurance companies have a fair opportunity to bid for [marine] insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 532. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 533. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

DEBT-FOR-DEVELOPMENT

SEC. 534. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be for the purpose for which the assistance was provided to that organization.

LOCATION OF STOCKPILES

SEC. 535. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$200,000,000 for stockpiles in Israel for fiscal year 1994" and inserting in lieu thereof "a total of $200,000,000 for stockpiles in Israel for fiscal years 1994 and 1995, up to $40,000,000 may be made available for stockpiles in the Republic of Korea, and up to $10,000,000 may be made available for stockpiles in Thailand for fiscal year 1995".

SEPARATE ACCOUNTS

SEC. 536. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 537. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 538. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

POW/MIA MILITARY DRAWDOWN

SEC. 539. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1995, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to *Vietnam*, Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States Government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 540. During fiscal year 1995, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 541. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 542. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended, and Public Law 102–391), is further amended—

(a) by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal year 1995";

(b) by striking out "Appropriations Act, 1994" and inserting in lieu thereof "Appropriations Act, 1995"; and

(c) by striking out "$700,000,000" and inserting in lieu thereof "$775,000,000".

CASH FLOW FINANCING

SEC. 543. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99–83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 544. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 545. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

SEC. 546. (a) Congress finds as follows:

(1) The United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia.

(2) The federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces.

(3) Because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo, or to a unilateral lifting of the arms embargo by the President of the United States, against Bosnia-Hercegovina, the President is authorized to transfer, *subject to the regular notification procedures of the Committees on Appropriations*, to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1995: *Provided*, That the President certifies in a timely fashion to the Congress that—

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

(e) If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international law in the former Yugoslavia, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this subsection shall be in lieu of any determinations otherwise required under section 552(c).

SPECIAL AUTHORITIES

SEC. 547. (a) Funds appropriated in title II of this Act that are made available for Haiti, Afghanistan, Lebanon, and Cambodia, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia-Hercegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That the President shall terminate assistance to any [Cambodian] organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming, *and for the purpose of supporting biodiversity conservation activities*: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) During fiscal year 1995, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling contained in subsection (a) of that section.

(d) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 548. (a) FINDINGS.—The Congress finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce American firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure; and

(6) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 549. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Of the funds appropriated by this Act under the heading "Economic Support Fund", notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $3,000,000 may be made available, subject to the regular notification procedures of the Committees on Appropriations, for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions), except that such technical assistance shall not include more than $1,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.

[(b)] *(c)* Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection [(a)(1)] *(a)* for Bolivia, Colombia and Peru and subsection [(a)(2)] *(b)* may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 550. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1995, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under titles I and II of the Agricultural Trade Development and Assistance Act

of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 529 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 551. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 552. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

EXCESS DEFENSE ARTICLES

SEC. 553. *(a)* The authority of section 519 of the Foreign Assistance Act of 1961, as amended, may be used in fiscal year 1995 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in subsection (a) of section 519.

(b) The authority of section 518 of the Foreign Assistance Act of 1961 may be exercised in any fiscal year to transfer, for the purposes of that section, nonlethal excess defense articles to international organizations and nongovernmental organizations notwithstanding section 502 of that Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 554. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

DISADVANTAGED ENTERPRISES

SEC. 555. (a) Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the Agency's headquarters in Washington, as well as all Agency missions and regional offices, shall notify the Agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

USE OF AMERICAN RESOURCES

SEC. 556. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

SEC. 557. (a) Funds appropriated by this Act under the heading "Economic Support Fund" may only be made available to the Government of Nicaragua upon the notification, in writing, by the Secretary of State to the appropriate committees that he has determined that significant and tangible progress is being made by the Government of Nicaragua toward—

(1) the prosecution of any individual identified as part of a terrorist/kidnapping ring by the investigation of issues raised by the discovery, after the May 23, *1993*, explosion in Managua, of weapons caches, false passports, identity papers and other documents, suggesting the existence of such a ring, including all government officials (including any members of the armed forces or security forces);

(2) the resolution of expropriation claims and the effective compensation of legitimate claims;

(3) the timely implementation of recommendations made by the Tripartite Commission as it undertakes to review and identify those responsible for gross human rights violations, including the expeditious prosecution of individuals identified by the commission in connection with such violations;

(4) the enactment into law of legislation to reform the Nicaraguan military and security forces in order to guarantee civilian control over the armed forces;

(5) the establishment of civilian control over the police, and the independence of the police from the military; and

(6) the effective reform of the Nicaraguan judicial system.

(b) The notification pursuant to subsection (a) above shall include a detailed listing of the tangible evidence that forms the basis for such determination.

(c) For purposes of this section, the term "appropriate committees" means the Committees on Foreign Relations and Appropriations of the Senate and Committees on Foreign Affairs and Appropriations of the House of Representatives.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 558. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

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CONSULTING SERVICES

SEC. 559. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 560. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

SPECIAL DEBT RELIEF FOR THE POOREST

[SEC. 561. (1) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

[(A) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

[(B) credits extended or guarantees issued under the Arms Export Control Act.

[(2) LIMITATIONS.—

[(A) The authority provided by paragraph (1) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

[(B) The authority provided by paragraph (1) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

[(C) The authority provided by paragraph (1) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

[(3) CONDITIONS.—The authority provided by paragraph (1) may be exercised only with respect to a country whose government—

[(A) does not have an excessive level of military expenditures;

[(B) has not repeatedly provided support for acts of international terrorism;

[(C) is not failing to cooperate on international narcotics control matters; and

[(D) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

[(4) AVAILABILITY OF FUNDS.—The authority provided by paragraph (1) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

[(5) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to paragraph (1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.]

SEC. 561. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters; and

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

GUARANTEES

SEC. 562. Section 251(b)(2)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "1994" and inserting in lieu thereof "1994 and 1995" in both places that this appears.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 563. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after the date of enactment of this Act.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 564. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 565. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 583(a) of the Middle East Peace Facilitation Act of 1994 (part E of title V of Public Law 103-236) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 583(b)(2) of the Middle East Peace Facilitation Act or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President determines that it is in the national interest to do so and so reports to the Congress.

PROCUREMENT REDUCTION

SEC. 566. (a) Of the budgetary resources available to the Agency for International Development during fiscal year 1995, $1,598,000 are permanently canceled.

(b) The Administrator of the Agency for International Development shall allocate the amount of budgetary resources canceled among the Agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in section 403(a)(2) of title 41, United States Code.

[IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

[SEC. 567. Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development", "Contribution to the International Development Association", and "Contribution to the International Finance Corporation" shall not be available for payment to any such institution unless the Secretary of the Treasury (1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented, and (2) reports that determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations

and the Committee on Foreign Relations of the Senate.]

IMPLEMENTATION OF WORLD BANK RECOMMENDATIONS

SEC. 567. (a) Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development" and "Contribution to the International Development Association" shall be available for payment to such institutions as follows:

(1) 50 percent of the funds appropriated under each such heading shall be made available prior to April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection at any time prior to that date.

(2) 50 percent of the funds appropriated under each such heading shall be made available on April 1, 1995, or thereafter, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection at any time on or after that date.

(3) The determinations referred to in paragraphs (1) and (2) are determinations that the International Bank for Reconstruction and Development is—

(A) implementing the recommendations contained in "Next Steps", the follow-up to the Wapenhans Report;

(B) implementing the action plan contained in chapter 8 of its April 8, 1994, resettlement review entitled "Resettlement and Development";

(C) implementing the Bank's procedures on Disclosure of Operational Information issued in September 1993; and

(D) actively encouraging borrowing governments to publicly disclose information on structural adjustment programs.

(b) Funds appropriated by title I of this Act under the heading "Contribution to the International Finance Corporation" shall be available for payment to such institution as follows:

(1) 50 percent of the funds appropriated under such heading shall be made available prior to April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection.

(2) 50 percent of the funds appropriated under such heading shall be made available on or after April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (3) of this subsection.

(3) The determinations referred to in paragraphs (1) and (2) are determinations that the International Finance Corporation is pursuing reforms comparable to those adopted by the International Bank for Reconstruction and Development regarding the environment, information disclosure, and resettlement.

RESTRICTIONS ON ASSISTANCE TO RUSSIA

SEC. 568. (a) RESTRICTION.—None of the funds appropriated or otherwise made available by this Act may be obligated for assistance for the Government of Russia after December 31, 1994, unless [it has been made known to the President that] all armed forces of Russia and the Commonwealth of Independent States have been removed from all Baltic countries or that the status of those armed forces have been otherwise resolved by mutual agreement of the parties.

(b) EXEMPTION.—Subsection (a) does not apply to assistance that involves the provision of student exchange programs, food, clothing, medicine, or other humanitarian assistance or to housing assistance for officers of the armed forces of Russia or the Commonwealth of Independent States who are removed from the territory of Estonia, Latvia, [and Lithuania] *Lithuania, or countries other than Russia.*

(c) WAIVER.—Subsection (a) does not apply if after December 31, 1994, the President determines that the provision of funds to the Government of Russia is in the national interest.

[ADDITIONAL LIMITATION ON FUNDS TO ENSURE IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

[SEC. 569. (a) LIMITATION ON AMOUNTS AVAILABLE BEFORE APRIL 1, 1995.—If amounts appropriated by title I become available pursuant to section 567—

[(1) not more than $30,000,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Bank for Reconstruction and Development" for payment for contribution to the Global Environment Facility;

[(2) not more than $1,024,332,000 shall be available for obligation before April 1, 1995, for "Contribution to the International Development Association"; and

[(3) not more than $35,761,500 shall be available for obligation before April 1, 1995, for "Contribution to the International Finance Corporation".

[(b) REQUIREMENTS FOR AVAILABILITY OF ADDITIONAL AMOUNTS.—No amount in excess of any sum specified in subsection (a) with respect to an account or activity shall become available on or after April 1, 1995, unless the Secretary of the Treasury—

[(1) determines that the recommendations contained in the report entitled Report of the Portfolio Management Task Force (commonly referred to as the "Wapenhans Report") continue to be implemented as of such date;

[(2) reports such determination to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

[(3) complies with the regular notification procedures of the Committee on Appropriations.]

MILITARY EXPENDITURES BY RECIPIENTS OF MULTILATERAL ASSISTANCE

SEC. 569. The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or any extension of assistance to any country which fails to make available to such institution the most recent accurate and complete data on annual expenditures for its armed forces, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 570. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency shall provide, to the greatest extent practicable, to such entity [a notice describing the statement made in subsection (a) by the Congress] *notice consistent with subsection (a) and section 604(a) of the Foreign Assistance Act of 1961.*

WEST BANK AND GAZA ECONOMIC DEVELOPMENT FUND

SEC. 571. Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $20,000,000 should be made available to support the creation and expansion of small and medium-sized businesses, including agricultural enterprises, in the West Bank and Gaza. All or any part of such funds may be used for the subsidy cost of direct loans and loan guarantees as defined in section 502 of the Congressional Budget Act of 1974. Funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 572. Of the funds appropriated by title II of this Act under the heading "Assistance for the New Independent States of the Former Soviet Union" up to $50,000,000 should be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: Provided, That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: Provided further, That funds made available for the purposes of this section may be used for transportation of United States agricultural commodities provided under this section: Provided further, That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: Provided further, That any such local currencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 573. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for the current fiscal year for programs under title IV of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That $12,000,000 shall be immediately transferred from funds available to the Export-Import Bank for fiscal year 1994 to the Overseas Private Investment Corporation, and $1,000,000 shall be immediately transferred from funds available to the Export-Import Bank for fiscal year 1994 to the Trade and Development Agency: Provided further, That the provisions of the previous proviso shall be effective on the date of enactment of this Act.

INCAE

SEC. 574. The Government of Nicaragua may assume the obligation of the Central American Institute of Business Administration (INCAE) to make payment to the United States under a loan made to INCAE pursuant to an Alliance for Progress Loan Agreement dated April 25, 1972: Provided, That such payment shall be for the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of such obligation and shall relieve INCAE of any further liability to the United States for payment of interest and principal under such loan notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

MONGOLIA

SEC. 575. Section 620(f) of the Foreign Assistance Act of 1961 is amended by striking "Mongolian People's Republic." from the list contained therein.

REPORT ON COMPLIANCE WITH COMMITMENTS

SEC. 576. Section 804(b) of title VIII of Public Law 101-246 (PLO Commitments Compliance Act of 1989) is amended—

(1) in paragraph (9) by striking "; and" and inserting in lieu thereof ";";

(2) by striking the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph:

"(11) measures taken by the PLO to prevent acts of terrorism, crime and hostilities and to legally punish offenders, as called for in the Gaza-Jericho agreement of May 4, 1994.".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995".

Mr. LEAHY. Madam President, the Senate is still not in order.

As manager of this bill, I would like to at least be able to hear what is going on.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their conversations to the Cloakroom.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that I be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object. I will object to any unanimous consent request while this bill is up unless we can have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. All conversations will be taken to the Cloakroom. Staff are asked to please cease their conversations or they will be asked to leave.

Mr. LEAHY. I remove my objection.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

PRODUCT LIABILITY REFORM

Mr. ROCKEFELLER. Madam President, I just want to indicate, as the chief sponsor of the legislation, product liability reform, which has just been sent back to the Senate's calendar, that I am disappointed, but, on the other hand, I am not defeated. We simply have to persevere on this matter.

I want to say how proud I am to have worked with Senator GORTON. There are no words to express how deep my respect is for his abilities and skills. I have the same respect for the good Senators from Connecticut, JOE LIEBERMAN and CHRIS DODD, and others who helped us on this.

And the people who never do get thanked are the people that do all of the work, Tamera Stanton, on my staff, who is not even a lawyer, but who sat by me and just was incredible in the way she did this work; Tom Morgan of my own staff; John Nakahata, Tiger Joyce, Terri Claffey, they are from other Senators' staffs; Tony Orza, Alan Maness, Peter Kinzler, Gerron Levy, Greg Rohde, and there are others.

But the work and the intensity was enormous, the pressure was great. The result was democracy at work, and I understand that. And I just want to thank those who worked so hard and to thank all of the Senators who took this issue seriously and voted their feelings on it.

I thank the Chair and I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I want to, in turn, thank the Senator from West Virginia for his kindness and for his courtesy and for his never-failing goodwill. In many respects his assignment in this connection was far more difficult than my own. But it was a pleasure to work with him and I know he joins me in saying, "The same time, same place next year." We will be back. He is correct, it is a valid cause and one of these days we are going to win it. I thank him.

I join him in his commendation for members of the staff on both sides, my own, on the minority side, and the Senator from West Virginia's staff and all of the rest who have helped him. And I know that their dedication will remain and we will try to do better the next time around.

Mr. HOLLINGS. Madam President, in all fairness, let us not just thank the trial lawyers of America. They obviously worked and the record will show they worked for the injured parties, and it is not easy, but, in addition to them, I ask unanimous consent that we include in the RECORD here the list of the organizations, such as the American Bar Association, the Conference of State Supreme Court Justices, the Chief Justices of those Supreme Courts, the National Conference of the Legislatures, the State Attorneys General Association, and all the women's associations and the Consumer Federation, Public Citizen. I ask unanimous consent that this list be printed in the RECORD for my genuine gratitude for their leadership.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CONSUMERS FOR CIVIL JUSTICE

NJ Environmental Federation.
NAACP.
NOW—National Organization of Women.
Industrial Union Council.
Black Issues Convention.
NJ Citizen Action.
New Jersey Environmental Lobby (NJEL).
IUE, AFL-CIO.
United Auto Workers (UAW—Region 9).
NJ Hemophilia Foundation.
Central Jersey Spinal Cord Injury Assn.
NJ White Lung.
Central Labor Union—AFL-CIO.
Communications Workers of America (CWA-AFL-CIO).
CHILD-Cape May.
Amalgamated Transit Union.
American Litoral Society.
Arthur Kill Watershed Association.
Aspira, Inc. of New Jersey.
Association to Improve Benefits.
Bayonne Citizens for Clean Air.
Bergen Labor Council, AFL-CIO.
Bergen Save the Watershed Action Network (SWAN).
Boilermaker's Local 28.
Center for Visual Arts.
Chemical Workers Association.
Clean Ocean Action (COA).
Coalition Against Toxics—Camden County.
Columbian Federation.
Committee of Internists and Residents.
Concerned Citizens of Union County.
Concerned Citizens of Wayne.
Copeland Surveying, Inc.
Cornucopia Network of New Jersey.
Council of N.J. State College Locals—AFT.
Creative Risk Services, Inc.
CWA Local 1032.
CWA Local 1081.
DES Action—New Jersey.
Edison Wetlands Association.
Environmental Response Network—Atlantic County.
Grassroots Environmental Coalition (GREO).
Hospital Professionals & Allied Employees.
Hudson Labor Council.
IBEW Local 1032.
Implant Victim Action Committee.
International Association of Machinists.
International Federation of Professional Technical Employees.
Ironbound Committee Against Toxic Waste.
Local 8-149—OCAW.
Local 262, Retail, Wholesale Dept. Store Union—United Food & Commercial Workers.
Local 617 Service Employees International Union.
Machinist Union Local 914.
Mercer Environmental Coalition.
Middlesex County Environmental Coalition.
Monmouth County Citizens for Clean Air.
Monmouth County Friends of Clearwater.
N.J. Coalition of Labor Union Women.
Network for Environmental & Economic Responsibility at United Church of Christ.
New Jersey Right to Know and Act Coalition.
Newark Teachers Union.
NJ Coalition of Occupational Safety & Health.
NJ PIRG.
Ocean County Citizens for Clean Water.
People United for a Klean Environment—Burlington.
Peoples Medical Society.
PHILOPOSH.

Pompton Lakes Against Pollution.
Princeton Area Committee of NJEF.
Public Citizen.
Rain Forest Relief.
Rutgers AAUP.
Sheetmetal Workers Local Union 27.
Sierra Club, NJ Chapter.
Skylands Clean.
Teamsters Local 945.
The Command Trust, East Coast Connection Silicone Breast Implant Support Group.
TMJ Association.
United Labor Agency.
United Passaic Organization (UPO).
United Transportation Union Local 60.
Utility Co-Workers' Association.
VOCCAL—Oakland.
W.A.T.E.R.—Vineland.

LIST OF ORGANIZATIONS AND INDIVIDUALS OPPOSED TO FEDERAL PRODUCT LIABILITY LEGISLATION

AFL–CIO.
Alliance for Justice.
American Association of Retired Persons.
American Bar Association.
American Council of the Blind.
American Lung Association.
American Public Health Association.
Americans for Democratic Action.
Asbestos Victims' Education and Information.
Asbestos Victims of America.
Brown Lung Association.
California PIRG.
Citizen Action.
Colorado PIRG.
Conference of Chief Justices.
Connecticut PIRG.
Consumer Federation of America.
Consumers Union.
Dalkon Shield Claimants' Committee.
DES Action USA.
Disability Rights and Education Fund.
Environmental Action.
Florida PIRG.
Friends of the Earth.
Illinois PIRG.
Maryland PIRG.
Massachusetts PIRG.
Michigan Citizens Lobby.
Minnesota PIRG.
National Association for Public Health Policy.
National Campaign Against Toxic Hazards.
National Coalition Against the Misuse of Pesticides.
National Conference of State Legislatures.
National Consumers League.
National Insurance Consumers Organization.
National Spinal Cord Injury Association.
National Women's Health Network.
New Jersey Citizen Action.
New Jersey PIRG.
New Mexico PIRG.
Oregon State PIRG.
Pennsylvania PIRG.
PIRG in Michigan.
Pubic Citizen.
Public Voice for Food and Health Policy.
Ralph Nader.
Service Employees International Union, Local 82.
Sierra Club.
Trauma Foundation.
United Auto Workers.
United States Public Interest Research Group.
United Steel Workers.
Vermont PIRG.
Washington PIRG.
White Lung Association.
Wisconsin PIRG.

Mr. HEFLIN. Madam President, I will just take 30 seconds. I want to file at a later time all the staff members that worked on this so diligently and to thank them. I do not want to omit anyone, so I will be filing that later or speaking later thanking them for all of their work, and including any other organization that was omitted, I just want it be comprehensive and inclusive.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Parliamentary inquiry, what is the pending parliamentary situation?

The PRESIDING OFFICER. H.R. 4426, the appropriations bill.

The Senator from Montana asked for consent to speak as if in morning business.

Mr. LEAHY. Reserving the right to object, Madam President, are we now on foreign operations bill?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Would the normal tradition be for the managers of the bill to give their opening statements at this point?

The PRESIDING OFFICER. The Senator from Vermont is correct.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, I want to propound a unanimous-consent request which will take care of the situation of the Senator from Montana and everybody else and also the bill that is on the floor. I am going to ask unanimous consent that there not be any amendments to the pending legislation in order prior to 11:15 a.m. and, at that point, I be recognized to give my opening statement, and prior to that time, we would be as in morning business.

This, I think, takes care of a situation involving the ranking member of this committee and myself.

So I make the unanimous-consent request that there be no amendments to the pending legislation in order prior to 11:15 a.m. and that, at 11:15 a.m., I will be recognized in the normal course of business to give my opening statement as manager of the bill, and prior to that time Senators be permitted to speak as in morning business for the time that they have requested.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

OPPOSITION TO FUNDING FOR THE SPACE STATION PROGRAM

Mr. BAUCUS. Madam President, during the coming months, we will make funding decisions that will affect the future for every man, woman, and child in the United States. Our votes will have an impact on the quality of environmental protection, the scope of Federal public health programs, veterans benefits, housing assistance, educational aid, national defense, scientific research, law enforcement, agricultural assistance, and many other matters of vital concern to our country.

Unfortunately, the Federal Government cannot afford to pay for all of the country's needs. Tight budget caps—a direct result of the massive budget deficit—makes it impossible to fully fund everything we require. So this year, in our consideration of fiscal year 1995 appropriations, we will be forced, perhaps more than ever before, to make tough funding choices.

We must set priorities that put people first by preserving the programs Americans need the most and cutting back on those that are of less importance to the health and well being of the country. Among the programs we must continue to support are those administered by the Environmental Protection Agency.

Opinion polls consistently show that Americans believe environmental protection is a top priority and should be fully funded.

There is good reason for our concerns about the environment. Cancer deaths attributable to pollution are rising; we are twice as likely to die of cancer as our grandparents. Degradation of our air and water continues to be a serious threat. Our children remain dangerously exposed to hazardous substances such as lead. More than 100 million citizens live in areas of the country where air pollution exceeds Federal health standards.

Yet EPA lacks the resources to fully implement environmental protection laws. The Agency cannot provide the level of protection promised by Federal statutes, and is unable to conduct sufficient research to ensure that pollution standards are based on the sound science all of us have called for at one time or another.

EPA's budget shortfall has serious consequences for all of us. The Agency's pesticides program has a backlog of toxicity studies that have not been reviewed on nearly 15,000 pesticides, many of which are used on food crops. Thousands of permits for water discharges and waste storage cannot be processed by the Agency in a timely manner. A number of new regulations required by the Clean Air Act Amendments of 1990 will be delayed or poorly implemented without sufficient resources. State and local governments, already hard pressed to implement

Federal requirements, will have even less money available to enforce Federal environmental laws. For business, the result of all this is a lack of certainty and an inability to plan.

EPA is funded by the VA, HUD, and Independent Agencies bill, which also supports programs for housing, veterans, aerospace, and the National Science Foundation. All of the programs funded by this appropriations bill are in jeopardy.

There is a nearly $800 million gap between the President's budget request for the programs contained in the bill and the Senate's budget cap for this allocation. Unless we remedy this situation, veterans will go without medical assistance and other benefits they require may be lessened. Programs designed to provide low-income housing and ease the homeless crisis will be unfunded. And the environment and public health gains of the last two decades will be reversed.

NASA's budget of nearly $15 billion is twice the size of EPA's budget. The administration's request for one NASA program alone, the space station, is $2.1 billion in fiscal year 1995, an amount nearly equal to all of EPA's core operating programs this year.

The space station is not only a drain on veterans, housing, and environmental programs, it takes money away from NASA itself. NASA is overextended and cannot afford to manage all of its programs, largely because of the resources that are diverted to the space station.

While there may be noble intent behind the space station, it is of questionable value and a largely speculative venture. Much of its goals are based on untested theory. It is unclear that the station will even survive damaging space debris. NASA estimates that there is a 1 in 5 chance that the space station would be seriously harmed by floating objects in space. NASA may well be able to correct these problems, but the bottom line is that we cannot afford to fund the space station this year.

Our needs here on Earth are far too great for us to be spending money on an outpost in outer space. Does it make sense for us to fund a space station at the expense of environmental protection programs designed to save our planet, programs enacted to sustain and protect our veterans, or programs created to provide basic housing in a country besieged by homelessness.

Reportedly, the President's No. 1 priority in the VA, HUD, and independent agencies appropriations bill is the space station. I suggest that the administration's priorities, in this case are misplaced, and do not reflect the needs or desires of the American people. I will be sending a letter to the President, asking him to withdraw his support for the space station. I also intend to work with my distinguished colleagues, Senator BUMPERS and Senator COHEN, who have demonstrated tremendous leadership in opposing the space station. I urge my colleagues to join me in opposing the space station and seeking a reallocation of the funding to other, more necessary programs.

Madam President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNCOLLECTED FINES

Mr. DORGAN. Madam President, I wanted to share with the Senate today some chartboards that I used at a hearing yesterday, and talk a bit about the conclusions of the hearing. Most Americans will well remember the 1980's as a time of intense speculation, junk bonds, leveraged buyouts, the country was awash in debt, and most especially a country in which we had massive S&L failures where two-thirds of the failures involved fraud. We had folks who used to run S&L's, who committed fraud, on their way to prison for 2 years at hard tennis in some minimum security camp, and the American people were furious about it. Billions of dollars, literally, were stolen by people who ran some of these institutions into the ground. The American people wanted, first of all, for these folks to be convicted of fraud when they committed fraud; and second, to have their assets seized as they went to jail.

I held a hearing yesterday before the Governmental Affairs Committee on the question of what has happened with respect to those who have been fined, or against whom restitution orders have been made. What has happened? Have we gotten the money from these folks? I am not just talking about those who committed fraud in S&L's. I am talking about those who were convicted of fraud in financial institutions and others convicted of Federal crimes and who have been ordered to pay fines and restitution.

You will see a blowup of a story in a newspaper the other day that says, "Little S&L Payback; swindlers' fines go uncollected."

The headline is probably an accurate reflection, from the information that I received at the hearing yesterday.

Here is another newspaper article from the Miami Herald. "Fine-collection center: 'Still just a good idea. Haven't gotten all the bugs out yet?'"

The article is talking about the National Fine Center, something that was decided to be created 7 or 8 years ago; $5 million has been spent and there still is no National Fine Center to collect the fines that are levied against those who have been fined in the Federal courts.

Let me describe where we are. "Major Financial Institution Fraud Fines and Restitution Ordered and Collected." These are the biggest crooks in the country. These are the criminals who fleeced the American people of billions of dollars, not with a gun but a pencil, stole from S&L's, defrauded the S&L's, defrauded the banks. They were sent to jail, most of them, and ordered to pay fines and restitution.

Now let us see how well we have done: $1.96 billion in fines and restitutions ordered against these criminals; $1.96 billion. How much has been collected? Two and a half percent; 98 cents on the dollar goes uncollected; 2 cents or 2½ cents on the dollar is collected. What on Earth is going on?

Let me show another chart. The 50 largest criminal debts owed to the United States. These are in Federal courts, fines and restitutions ordered by the Federal courts. The 50 largest. Just take the 50 largest that are on file. These are the biggest crooks. They owe $822 million in Federal fines and restitution.

How much have they paid? $4.1 million, one-half of 1 percent; 99.5 percent of the fines uncollected, one-half of 1 percent is collected.

Another chart. The 36 largest financial-institution-fraud debts. Now, recall, the last chart was the 50 largest criminal debts. This is the 36 largest financial institutions; that is S&L's and banks. These are the people who committed the fraud against those institutions. They went to court, most went to jail, ordered to pay fines and restitution; $608 million in fines and restitutions. They paid $4 million, six-tenths of 1 percent. Nearly 99.5 percent of the Federal fines levied against these folks, some of the biggest crooks in this country, goes uncollected.

They will say, "Yes, but these are the big crooks and they are in prison. How can the biggest crooks who are in prison pay?" Well, of the 14 largest financial-institution-fraud debts owed to the United States where the perpetrator is not in prison, these are folks who are out of prison, of $224 million in Federal fines assessed in restitution, $2.9 million was paid. These are people who are not in prison. That is 1.3 percent of the Federal fines that have been levied in restitutions ordered paid, 98.7 percent remains uncollected.

Another chart. Restitution orders of $1 million or more, payable to the Resolution Trust Corporation. These are restitution orders; $384 million ordered, $5.9 million paid; 1.5 percent collected.

I do not need to show a lot of other fancy colored charts to give you the

same message. The message is that when the Federal Government, through its Federal court system, levies a fine on a criminal, it is not very likely we are going to collect much. We are collecting about a penny on the dollar. Under the best of circumstances, we are collecting 4 cents on the dollar. And the rest of the story is, 96 cents on the dollar is not being collected from some of the biggest criminals in this country.

Why? Because we do not have a national fine center. We have a disparate, fractured, disassembled system all around this country that does not work to collect fines. It is an afterthought in most of the districts.

You ask people how much is owed, how old is it, who owes it, what is their address, and they cannot tell you. They spent $5 million to create a national fine center, at the end of which we have no national fine center. The money for the national fine center comes out of the funds that would otherwise go to victims. So $19 million is available to be spent, they have spent $5 million, and we have no national fine center.

In fact, they say now we will have a national fine center, the first stage of which will be operational about 2¼ years from now, and that will largely be manual. There is something seriously wrong.

The hearing I held in the Governmental Affairs Committee yesterday asks the question: Why on Earth do we see a situation which, when we levy fines in the Federal Government or restitution orders against some of the biggest criminals in the history of this country, people who fleeced the American public of millions, yes, millions of dollars through fraud, why are we finding 99 percent of that fine and restitution ordered is not being collected? It is because at least, in large part we have a system that would persuade those out around the country, if you are going to owe money to somebody, better you owe it in the judicial system because it is unlikely they are going to be able to collect it. Owe it on a credit card and see what happens, see if you do not have a pen pal for life, see if you do not have pressure every day. But owe it here, we collect 1 percent. We collect only 1 percent; 99 percent goes uncollected.

We deserve better than that. The American people expect a whole lot better than that. I indicated yesterday to the Justice Department and the Administrative Office of the U.S. Courts that we are going to come back again with another hearing and another hearing to find out why do we not see better statistics on collecting fines against some of the biggest criminals in this country. The American people expect it and deserve it. Frankly, this system is not working, and we need to change it.

Madam President, I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

UNIVERSITY OF OKLAHOMA SOONER BASEBALL TEAM

Mr. BOREN. Madam President, it is not often that one gets the opportunity to rise in this Chamber to claim bragging rights about athletics. But I claim that privilege today in honor of a remarkable baseball team that hails from a university that is near and dear to me—the University of Oklahoma Sooners baseball team.

As I am sure my distinguished colleagues from Georgia, Senator COVERDELL and Senator NUNN, have noticed, the Sooners did their best to be very courteous to the Georgia Tech Yellow Jackets. But on June 12, 1994, this Sooners team captured the national title by decisively defeating the Georgia Tech Yellow Jackets by a score of 13–5 in the final game of the National Collegiate Athletic Association College World Series.

I am certain that I speak on behalf of all Oklahomans when I say that the Sooners performed impressively throughout the season, rising from underdogs to top dogs through great dedication, talent and fortitude.

In the early spring, OU was ranked in the mid-30's, clearly appearing to be a long shot for the College World Series title. However, their skill and tenacity paid off, and by the time the Sooners entered the College World Series, they boasted a regular season record of 46 wins against 17 losses and a Big Eight record of 21 wins against 9 losses, a regional record of 4–0, and they were ranked seventh in the NCAA, according to Baseball America.

The Sooners began the double elimination tournament as the fourth seed, which pitted them against Auburn in the first College World Series game. To reach the showdown against Georgia Tech, the Sooners defeated Auburn 5–4 and beat Arizona State in two games 4–3 and 6–1. OU continued to stun even their most loyal fans, all the way into the final game against the Yellow Jackets, setting College World Series Championship Game records. OU drove in 13 runs to top Minnesota's 12–1 victory against Arizona in 1956.

In addition, they tied the College World Series record with 16 hits. Even the crowd at the final game was record-breaking—21,503 people gathered to watch the event in Rosenblatt Stadium in Omaha, NE.

The story of this year's Sooners exemplifies the value of effort, determination, integrity and, not the least, talent. For most of the season, the players believed that they were not receiving the respect they deserved from their regional rivals. This feeling so affected the players and coaches, and compounded their low ranking in the early spring, that the team hung signs on their lockers that said, "We have no respect."

To combat this image and deliver results, the players and coaches worked to forge a winning machine. The guiding principles behind their efforts are ideas we can all stand to benefit from: trust and teamwork. A rope came to symbolize the Sooners' bond. As manager Sunny Golloway was known to ask the players, I paraphrase, If you were holding onto a rope that prevented a fatal fall from a cliff, who would you want holding the other end of that rope? Of course, the answer was a teammate.

It is this sort of positive thinking and enthusiasm for healthy competition that helped the Sooners capture the national title. It is these kinds of values, I hope, that they will carry forward from this once-in-a-lifetime achievement to the rest of their lives beyond OU baseball.

Now, Madam President, I would like to say a few words about each player on the team and the coaches on the staff.

THE PLAYERS

Bucky Buckles, a junior from Victorville, CA, set a school record for pitching and tied the Big Eight record for saves in a single season with 11 during the regular season. He added to that mark by saving three games in the postseason, including forcing the final out in the title game.

Sophomore Steve Connelly, of Long Beach, CA, is a hard thrower and believed to have one of the two or three best fastballs on the team.

Javier Flores, a freshman from Broken Arrow, OK, became catcher late in the season and threw out 8 of the last 15 stolen base attempts since taking his new duties midway through the regular season.

Senior Ken Gajewski, of Los Abirritos, CA, is known as a pitcher who throws strikes. During the regular season, he pitched three of the Sooners' first five victories, and he helped defeat Iowa State in the Big Eight tournament with 3.1 innings of relief in a 5 to 3 win.

Senior Chip Glass, from Ukiah, CA, played center field this year and holds the OU record for triples in a single season, 12, and for a career, 21. At times during the season, he had hitting streaks of eight, seven, six, and five. He was named Most Valuable Player of the College World Series after hitting three homers.

Rick Gutierrez, a senior from Long Beach, CA, was named Player of the Year in the Big Eight and is know as the best second baseman in the midlands. He went to regionas with a history of safe hits in 16 of the last 19 matches and held the second-highest batting average on the team, .352.

Sophomore Dustin Hansen, from Shattuck, OK, started this season in

the infield and outfield and had a four-hit game against Missouri in the post-season conference tournament.

Rich Hills, a junior from Yorba Linda, CA, held the third-highest batting average on the team (.346), and set records in hitting doubles both for single-season and career totals and snagging extra bases. He also led the team with an RBI total of 59.

Kevin Lovingier, a senior from Laguna Hills, CA, helped to lead the Sooners in pitching with 66 strikeouts in the regular season and achieved a final ERA of 3.05, the team's third highest. With one of the better curveballs on the pitching squad, he is widely considered to be one of the major reasons for the team's achievements this season.

Sophomore M.J. Mariani, of Alameda, CA, started at third base this season and had the best gun in the infield. Fortunately for OU, Mariani, a UNLV transfer, will be eligible to play an extra year at OU because of a conference ruling this spring.

Damon Minor, a Hammon, OK sophomore, led the team with home runs, hitting two in one game. For part of the season, he started at first base. His three-run home run, which landed in the stadium parking lot, clinched the championship game.

Ryan Minor, twin brother of Damon and also from Hammon, started at first base near the end of the season and also pitched in three games. A versatile athlete, basketball prevented Ryan from playing baseball until March.

Sophomore Russell Ortiz, from Van Nuys, CA, is perhaps the hardest thrower on the squad. In his 2 years at OU before the regionals, he had made 37 pitching appearances.

Mark Redman, a sophomore from Del Mar, CA, ended the season with an excellent ERA of 2.71, the second-lowest on the pitching staff. In all, his record stands at 14–3, and he started in 20 games. He garnered 10 wins in the regular season, elevating him to the elite ranks of 10 others in OU history who have racked up double figures in wins. He set a single season school record with 134 strikeouts.

Junior Shawn Snyder, of Seminole, OK, was a solid reliever in the spring and appeared in 18 games to shut down opposing hitters. In a game against the Oklahoma State Cowboys, he started on the mound and stopped the first 10 hitters at home plate, completing four innings with only a two-hitter.

Aric Thomas, a junior from Riverside, CA, made hits in 15 consecutive games, the longest streak of any other OU hitter this year. Before regionals, he had 13 multihit games, and, earlier in the season, he had made it to base safely in 28 consecutive games.

Senior Darvin Traylor, from Riverside, CA, led the Sooners at the end of the season in hitting with a formidable .363 batting average. In his 2 years at OU, Traylor, a former relief pitcher and now an outstanding outfielder, has impressively played in 113 out of 114 games.

Freshman Joe Victery, of Ninnekah, OK, stood out this season as a rookie pitcher with a 4–0 record. He started 6 games while striking out 21.

Tim Walton, a junior from Cerritos, CA, ended the season with 11 starts, the second highest on the throwing squad. He was the winning pitcher in the championship game after going 2⅓ innings.

Finally, last but certainly not least, Jerry Whittaker, a junior from Long Beach, CA, has played in 106 of a possible 181 games during his last 3 years at OU before the regionals. Formerly a pitcher, injuries moved him to start as a centerfielder this year. He was the first OU player selected in this year's major league draft.

COACHING STAFF

Madam President, we all know that the team could not have succeeded without the superior coaching staff led by Head Coach Larry Cochell. In his 28th season heading a college-level team, Cochell has been at OU for 4 years and has reached the World Series four times with other teams. His fifth trip to Omaha was his first national championship; we're certainly glad he did it with OU. He's the only coach to have taken three different squads to the College World Series.

Pat Harrison lent invaluable assistance to the team through his expert instruction in hitting and playing the infield.

Vern Ruhle, a former Detroit Tiger, Cleveland Indian, California Angel, and Houston Astro, helped to hone Sooner pitching.

Meanwhile, Sunny Golloway, who came to OU just this past year, managed the Sooners skillfully throughout the season.

Rounding out the team's staff leadership was Mike Treps, special assistant to the athletic director, who served as the Sooners' liaison with the OU administration and has worked in OU athletics since 1972.

Madam President, I am proud of this team, and I am proud of these coaches from the University of Oklahoma, not only because they are great athletes, but because they are great people who exemplify the best of American values. They are a great tribute to the best tradition of athletics and personal achievement at the University of Oklahoma.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, before I give my opening statement, I yield to the Senator from Washington State 5 minutes.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I thank the Senator from Vermont.

PRAYING FOR THE VICTIMS OF DOMESTIC VIOLENCE

Mrs. MURRAY. Mr. President, last week, the U.S. Senate prayed for O.J. Simpson. Our Chaplain led us in prayer for this fallen hero, accused of a crime so horrible it defies description. We heard from the Book of Samuel: "How are the mighty fallen."

Mr. President, it seems we talk more and more often of fallen heroes, but we sometimes forget who they fall on.

So, Mr. President, this week I would like to suggest that all our colleagues reflect for a moment about the real victims in this case. About a young woman brutally murdered on her own front doorstep. About her friend stabbed so often his blood ran from one end of the sidwalk to the other.

And, about the young children who watched the battery and heard the abuse for so many years, and who are now left alone.

Mr. President, I do not rise today to suggest that O.J. Simpson is guilty of any crime. He will have his day in court. And, his fate will be left in the hands of twelve ordinary Americans.

Ordinary Americans know that domestic violence has become an overwhelming epidemic in this country. Across this Nation, every 15 seconds, a woman is battered. Every 6 minutes, a woman is raped. And, 90 percent of family violence defendants are never prosecuted.

Mr. President, you know I brag about my progressive State whenever I have the chance. But, today, I have sad news to report from my home State of Washington.

Even though Seattle is a national leader in addressing these issues, 7,900 incidents of domestic violence were reported there last year. That is a huge increase from the 2,100 incidents reported in 1985.

We must do more to prevent this violence.

Perhaps we are at a crossroads. I hope something positive will come from all the media attention this case is receiving. I urge the crime bill conferees to think about this case. I urge them to retain the violence against women provisions, which my good friends, Senator BIDEN and Senator BOXER, have worked so hard on.

I hope we use this incident to remember who suffers in this society when

these programs are not funded. Who cries when we look the other way?

Mr. President, I would like our colleagues to take a moment today to pray for America's children.

Our children are the true victims of violence. Today, in this country, there is so much child abuse. So much meanness. And, so little human decency.

We force our overburdened teachers to be social workers and police officers. And, our children are left uneducated.

We have ignored our foster care system. And, our children go homeless.

We have created an unworkable and misguided welfare system. And, our children are hungry and scared.

Just last week, the Justice Department told us that more than half of this country's reported rape cases were committed against girls under the age of 18.

Time and again, I hear from ordinary Americans that there is an antidote to this violence and abuse—the simple value of accepting responsibility for our actions.

I am tired of hearing phony, ridiculous explanations. An explanation for violence is not an excuse. What happened to personal responsibility? As individuals, we must do all we can to stop the escalating cycle of violence in this country.

I wish there were just one simple bill I could introduce to make this problem go away. But, there is not. That is why we have to keep our children in mind with every piece of legislation we consider.

Mr. President, I have hope. Something good can come from this tragedy which has captured the media's attention.

But, it must start somewhere—or else, when the camera lights go off and the news media start a feeding frenzy somewhere else, Nicole Simpson will become as anonymous as the thousands of other American women murdered every year.

Mr. President, I say to everyone within the sound of my voice: Take responsibility for your actions. As individuals, we must do all we can to stop the meanness, stop the anger, and end this cycle of violence. Realize that your actions will shape not only your life but also our entire community and our future generations.

And to my colleagues I say: Remember the victims, and let us remember to pray for our children.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask the Senator from Washington to stay on the floor for a moment. I wish to commend her for her remarks, and I hope they will be heard and reheard and heard again. I was not on the floor at the time the prayer to which she referred was made. I read about it in an article this morning.

I have similar concerns about where public attention is placed. For 8½ years, I prosecuted violent crimes. I had a rule that on every violent crime, I went to the scene of it. Very often, it was 3 or 4 o'clock in the morning. In fact, for 8½ years, I was on call 24 hours a day, 7 days a week because of my concern about violent crime. These crimes included brutal murder cases. I was thinking as I read the descriptions of the blood and the scene, and it brought back so many images, even in a State with a very low crime rate like my own.

I say to those who would ignore that there are victims that I wish, just once, they could go to a murder scene as I have time and time again. It is not the cartoon things we see. It is not even the movies we see, and it is certainly not the PC television programs we see. There is an eeriness; there is a stench; there is an awfulness to a murder scene. I have been to scenes of murders of children, of spouses—incidentally, both male and female—friends, neighbors, and those who were just random victims of a burglary or a robbery gone awry.

And I can remember cases I prosecuted—and I am not suggesting who is guilty or innocent, and I would hope there would be a trial where a jury would actually make up its mind on the facts and not on what some high-paid commentator on television says. But I remember cases I had where people said, "How could this person ever have done something like this? The poor person must have been demented," blah, blah, blah. But we should remember it is the victims who are dead.

Just think of the children involved here. No matter who did this murder, you have children whose lives are irrevocably changed—and I add, changed for the worse—because no matter what happens, whether they have wealth or other family members, or whatever else, they are damaged for life. You have a young woman who had most of her life ahead of her who is dead. You have a young man with most of his life ahead of him, and he is dead.

On the one hand, I take some comfort that during my years as a prosecutor, I had the highest conviction rate on cases of domestic violence, I had the highest conviction rate on rape cases, and I had the highest conviction rate on murder cases of any prosecutor in our State. I take some satisfaction in that but. But, at the same time, I am dismayed that the cases were even there to prosecute.

One of the reasons that domestic cases are there to be prosecuted, Mr. President, is that they are not prosecuted because you have a spouse who has been beaten and is sitting there ready to testify with black eyes or broken ribs or what not. They are usually prosecuted because that spouse is in the morgue, unable to testify. And it is then when you go back through the record that you find they were beaten this time and this time and this time.

I can think of the cases that came to my attention for the first time as a prosecutor when the medical examiner called to tell me the results of an autopsy on the victim, and we find, for example, the husband, in one case—this upright pillar of the community who gave to all the best charities, was a church-going person, well respected, and who used to beat his wife on a very regular basis. But the police never followed up on the reports because they knew what a pillar of the community he was. When do we find it? When it can no longer be ignored because the body is in the morgue, and the autopsy is being done, and the results of the fractures and bruises and all are sealed.

So the Senator from Washington does us a service in speaking out on this on the floor. On this or any other case, the one concern we should have with the person arrested is that their rights under our American jurisprudence system, the best one in the world, are protected. But once we have done that, let us not forget the victims. Spousal abuse will continue in this country so long as we ignore the fact that there are victims. Children will be molested and killed so long as we forget that there are victims. And if the only time we pay attention is when the body reaches the morgue, then, Mr. President, as a society we have failed, and we have failed miserably.

So, frankly, I grow tired of hearing the constant commentary: How could such a person with so much ever end up in these straits?

Let us think about how could the mother of these children, how could another person, both of whom had their lives ahead of them, end up dead, and how could these children see their lives unalterably hurt?

I commend the Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague and commend him for his many years of service in remembering the children. I pledge to work with him and all others to continue that as we move forward.

I thank the Chair and yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, the parliamentary situation, as I understand it, is that we are on H.R. 4426, the foreign ops bill.

The PRESIDING OFFICER. That is correct. The pending question is the committee amendment on page 2, line 12 of the bill.

Mr. LEAHY. Mr. President, I note that this was reported by a unanimous vote of the Appropriations Committee on June 16, and I note that this was done in less time than in any other year I can recall.

A great deal of the credit goes to the ranking Republican, Senator MCCONNELL, who has worked with us in providing the bipartisan support to get it not only through the subcommittee in record time—at least a record in my 20 years here—but through the full committee, too.

The bill before the Senate totals $13.684 billion in fiscal year 1995 budget authority.

This is approximately $111 million below our allocation. It is, incidentally, $30 million below the President's request.

There are difficult problems scoring and otherwise in this bill. Senator BYRD, the chairman of the full committee, worked closely with us, as did the ranking member, Senator HATFIELD, and we were able to get the bill before us because of this. Had it not been for significant and timely help by Senator BYRD, we would not have the bill on the floor today.

I know that the leadership has worked hard to get it before us, and I thank them.

Let me note a few of the important provisions in this bill. They have aid to the New Independent States of the former Soviet Union. President Clinton has made clear that funding this program of aid to the New Independent States of the former Soviet Union is his No. 1 priority in the foreign aid program. I think his priorities are correct.

Senator MCCONNELL and I have agreed that the NIS program is of immense importance to the United States. I feel there is no task that is more urgent in supporting the transition to democracy and free market reforms in Russia, Ukraine, and elsewhere in the former Soviet Union. It is one of those rare instances where if we in the West are successful in this not only do we enhance our economic situation because of the new markets that will be developed, but it should be obvious to everybody, of course, that we significantly enhance our national security.

But we are faced with extreme budget pressures and problems with management implementation of this program. Notwithstanding that, we provided $839 million for the NIS Program. It is $61 million less than the President's request. It is $36 million below the House level.

I would like to just take a moment to explain why such cuts. It is intended to convey to the administration that while we continue to strongly support the NIS Program we are going to see rapid, visible improvements in the way it is managed, also improvements in the results it produces.

I am not expecting miracles. That is a new program. It involves a lot of countries, a lot of different countries, countries that themselves are groping for what they want to do. Of course, there are going to be problems. We never quite had a situation like this.

So we have to take some risks, and you know there are going to be some mistakes. But I would like to see some convincing evidence that AID and the State Department are learning from these mistakes as they go along.

We have also earmarked funds for Ukraine, Georgia, and Armenia. I would note that I was impressed and convinced by the report that my Republican colleague, Senator MCCONNELL, brought back from the Ukraine in his own visit in this regard. I know the House bill does not contain earmarks, and we are going to have some debate on this in conference as we fully expect, and I would hope that we can conduct that debate in a way that continues the strong feelings of a bipartisan majority in our committee that these countries need help. In fact, the administration plans to provide substantial aid to these countries in 1995, and I think the earmarks are a reflection of the U.S. Senate's interest in these countries.

It was not easy funding the overall program. By funding it, we have had to not fully fund other important programs like our contribution to the U.N. voluntary agencies or to multilateral banks, and I might mention these are contributions that we are committed to make, where as a result we are hundreds of millions of dollars in arrears to the World Bank and the other MDB's. At the same time we are in arrears to them, we are pressing them to make important reforms. We want them to shoulder more of the burden of economic development throughout the world.

We are basically saying to them, look, we are not able to pay our arrears to these MDB's, but please do what we want you to do even if we are not going to pay our bills and that is going to come into better balance. We are not going to get the reforms without paying our bills.

We were not able to increase funding above the request level for refugees or disaster assistance. You do not have to be an expert in refugee or disaster assistance programs to know there are tremendous needs and that we are not carrying out the responsibilities actually that most Americans would want us to do. All you have to do is turn on the television at night and see the refugees out of Rwanda and see what happens with floods in other places where the United States has historically and traditionally been able to help.

We were able to increase slightly aid to Africa as we face extraordinary needs, although we still only deal with a handful of dollars per person there even though again we have national security interests and even though this is an area where we have great economic interests, if they improve their lot. It is one of the places where our export programs work best and where American jobs are created.

We have also increased funding for family planning, a priority of the administration and Congress, and increased funding for development assistance.

In recognition of the great risk taken by Israel in its historic opening for peace with the Palestinians, aid for Israel and Egypt is earmarked at the requested levels. We note that with or without the earmark the administration is committed to aid these levels and would go forward with it. But I hope that this renewed demonstration of commitment to peace and stability in the Middle East will encourage all parties to continue to pursue the dramatic possibility for a settlement.

I would hope that the strong leadership of the State of Israel and the strong leadership of the Palestinian people would not be deterred by extremists on either side. There are extremists on both sides who would like nothing better than to see the peace process derailed.

That does not help the people of the region. It does not help the world. It does not help our foreign policy. And as I have many times before, I praise the leadership involved for their help.

We have also increased aid to the Palestinians. The bill recommends $80 million for the West Bank and Gaza Programs, including $20 million to support loans and grants to small- and medium-sized businesses there. It is imperative that the Palestinians see rapid, tangible evidence that peace with Israel will result in improvements in their standard of living.

I believe the vast majority of Palestinians and Israelis would agree that now having taken these steps for peace that the life of the Palestinians must improve and as they go into the ability to govern themselves and to set some of their own economic agendas that their must be examples of improvement. Otherwise, I do not know how Prime Minister Rabin or Chairman Arafat are able to hold together the people within their own governments necessary to move forward in peace.

Mr. President, we know that foreign aid is not a program of resounding popularity throughout the country. But I believe the reason for that has more to do with some of the wasteful programs we have seen over the years, when foreign aid was used to prop up corrupt dictators or squandered on grandiose projects that ended up falling into disrepair.

In the past few years we have made progress toward making the foreign aid program more effective and at the same time more reflective of the American people. The American people do

have a long and proud history of helping people around the world who are less fortunate—for example, like the refugees fleeing genocide in Rwanda, and incidentally that is genocide. This bill aims to do that.

This bill is also designed to help Americans directly, by providing close to $1 billion to promote U.S. exports, which is the fastest-growing part of our economy and that part of the economy that is creating American jobs here inside the United States. It also contains hundreds of millions of dollars to protect the environment, knowing that our own life and health are affected by the worldwide environment.

I could go on, of course. But I say this just to note that in many ways foreign aid, the word foreign aid is a misnomer. This bill should be designed to do several things, designed to help protect our national security and you go down through the bill and find many places where it is doing precisely that, protecting the national security of all of us Americans.

It should be, second, designed in part to help our economic security. As we create exports markets around the world, that creates tens of thousands, even hundreds of thousands of jobs here in the United States, that is part of our security.

And then, with 4 or 5 percent of the world's population, we are using close to half of the world's resources. In a nation with the largest economy in the world, we have—each one of us as individuals has—certain humanitarian responsibilities, and it reflects those.

So I think we have to understand, as the only superpower left in the world, that what we do and what the rest of the world does irrevocably links, and this bill I think is important to that.

Let me finish with one point. I understand that there are dozens and dozens of amendments that may come up. If my past experience is any guide, a lot of these amendments will have nothing to do with this bill. This is an appropriations bill. I hope it can stay as an appropriations bill.

I suggest to those who have authorizing amendments or have amendments that are best placed on other types of bills, that they may be able to resist the temptation to do it. I understand sometimes some of us are able to resist temptation better than others. I speak of the parliamentary type of temptation. Obviously, Senators can resist all other types of temptations just by our nature.

But I have canceled any flight plans I might have had for Saturday. I realize it is not an easy weekend to get new reservations. I hope it turns out I did that not needing to. I know the press, for example, gets very concerned if we are gone for a long weekend and they would rather be here covering this. I am sure most others would, and they may have to be, but I hope not.

PRIVILEGE OF THE FLOOR

Before I yield to Senator MCCONNELL, I ask unanimous consent for floor privileges for Neil McGaraghan, Elizabeth Murtha, and Michele Hasenstaub.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, let me begin by commending the chairman for moving this legislation forward so quickly. It is unusual for the Senate to be considering the foreign operations bill this early in the session. We not only moved quickly but with great care in allocating the scarce resources available to the subcommittee.

There are a number of important provisions and changes made this year which I would like to take a moment to review for my colleagues. First, the subcommittee included a number of earmarks for countries and programs of high priority. While I will discuss some of them in detail, I want to point out the reason for the earmarking.

With the arrival of a new administration, we anticipated reform authorization legislation which would reflect the dramatically changing world in which we live. Most of the members of the subcommittee shared the view that we should minimize earmarks to maximize the administration's flexibility in meeting emerging requirements. Nowhere was this flexibility more needed than in our relations with the New Independent States of the former Soviet Union. Governments, policies, and priorities were literally shifting day by day.

To put this in context, let me point out that a few years ago, the foreign operations bill included 89 earmarks. Last year, the bill was signed into law with seven, including the four related to the Camp David Accords, which are increasingly not controversial.

In reducing legislative earmarks, both the Senate and House agreed that our expectations and priorities would be identified in report language which was to be observed unless and until the administration consulted with the subcommittee. Unfortunately, this understanding and obligation was not respected by the administration.

In a random survey I conducted of 14 requirements included by the Senate in report language last year, the administration had not complied with 12. Let me add, the 14 projects or programs reflected Members' interests on both sides of the aisle. They ranged from child survival activities to assistance for Burmese exiles.

As a result of our experience over the past year, many of the subcommittee's members—and I include myself in that group—felt it was necessary to earmark resources to assure funding for high-priority items. Here again, there was bipartisan support for directing the resource commitments in this bill.

Let me now turn, Mr. President, to some of those earmarks. As with last year's bill, there was strong, unanimous support for sustaining the levels of economic and military assistance to Israel and to Egypt. In addition, several of my Democratic colleagues cosponsored my amendment to dedicate resources to support refugees, primarily from the New Independent States, settling in Israel. This grant has been essential in helping young and old alike establish new, productive lives free from the fear of persecution.

Mr. President, I also offered three earmarks within the INS account. I continue to believe the administration has not programmed sufficient funds for republics other than Russia. In a mid-year report reviewing planned commitments for fiscal year 1994, Russia tops the list with $1.6 billion in obligations, or 66 percent of the budget. Ukraine squeaks in next in line with 7 percent.

I understand Russia is the administration's highest priority and hardly any of us would argue with that. We share the range of concerns from strengthening democracy to denuclearization. However, I believe we can fulfill those aims as we balance the proportionate share of assistance we provide other nations.

I also have major reservations about how that sizable commitment to Russia is being invested, what is happening to the commitment to Russia. Generally, I am worried that we are doing very little to contribute to addressing very visible problems, particularly crime and law enforcement. While I agree with the administration that we need to contribute to a framework in which we help Russians help themselves, we need to weigh that approach in the context of urgent socioeconomic needs.

As the chairman of the subcommittee knows, I plan to address some of these specific issues in earmarks. But I do not think the Committee can resolve all the program problems with legislation and earmarking. One such problem seems to be a basic institutional reluctance to work with the U.S. private sector.

The Washington Post recently described one such venture, pointing out that it was an example of success in the making. A very talented American grocery store owner was setting up shop in Siberia leveraging private resources and ingenuity with seed capital from AID. It is an innovative approach which seems to be working. The irony, or should I say tragedy, is the administration has tried to restrict and terminate funding for the project. I expect the subcommittee will continue to battle bureaucrats to sustain exactly that kind of activity.

Similarly, the administration recently tried to end the Hospital Partnership Program, which is leveraging $3 from the private sector for every $1 AID contributes. This is a remarkable program which is dramatically improving the quality of life and care provided throughout the NIS—yet AID wants to end it. It makes no sense. For the moment the subcommittee has prevailed upon the administration to issue a stay of execution.

I do not want to dwell on the problems which have afflicted the NIS program. But I do want to emphasize the reason we earmarked funds for Ukraine, Armenia, and Georgia was in direct response to the administration's approach. Many people feel there is a lack of commitment to their democratic and economic future.

I am particularly disappointed with the situation in Ukraine. I believe the administration has missed a number of opportunities to encourage economic reform and improve prospects for stability in Ukraine. NSC advisers now acknowledge that they realized last October that holding U.S. assistance hostage to resolution of the nuclear issue was a mistake and failure. Yet, instead of correcting course and crafting a program unique to the difficulties and conditions in Ukraine, we are replicating the mass privatization program which we are still hoping will work in Russia. Serializing Russian programs is a mistake and an unfortunate result of running all NIS activities out of Moscow. It seems to me the time has come for country specific programs and effective strategies.

After a brief year's experience with the foreign operations bill, I find myself in an unusual position. Fundamentally, I support our foreign aid program. But our aid program must be linked to a coherent policy which advances American interests.

Unfortunately, what we hear is platitudes not policy. The Administration talks about the need to advance our economic security through export promotion, yet OPIC, an agency key to insuring and guaranteeing those American investments, has now run out of money.

We hear what a high priority advancing democracy is, yet successful programs which support parliamentary training and election monitoring scrape by with minimal support from AID.

The Secretary of State has declared our national security interests will not be subcontracted to any nation or organization, yet a United Nations bureaucrat can literally stop a U.S. plane in a mid-bombing run.

Half way through the Clinton administration, I do not see an emerging foreign policy strategy which clearly and effectively links our priorities with our assistance programs. There may be anecdotal evidence of success—a clinic or a children's feeding problem which survives impossible odds. But I am talking about the bigger picture, about the lack of direction and momentum.

A year ago, during our hearings on the foreign operations bill, both the chairman and I expressed concern about the muddled message communicated to friends and foe alike. Unfortunately, that situation has not improved. The administration continues to limp—then lurch—then limp along in defining America's role in the post-cold-war world. Given the circumstances, there are clear implications for foreign assistance. Where there is a policy vacuum, Members of Congress will want to be heard.

Frankly, as I have said on more than one occasion, I think congressionally directed foreign policy risks our national interests being pulled in 535 different directions. But I must say, short of the President fully engaging, lacking a clear sense of purpose, missing a consistent plan of action, and absent a national security team that works together, Congress will step into the vacuum.

And, the time has long since passed when George Bush can be blamed.

I hope the Administration will capitalize on the resolve and sense of purpose which characterized the President's D-day speeches. I want to believe rhetoric and the reality of our aid programs and foreign policy will at some point meet and merge.

That will take a serious, sustained commitment by the administration—an effort that is not yet in evidence. Nonetheless, I want the administration to understand that I will continue to hold out hope for meaningful improvements and offer my support and commitment to work with the chairman and our colleagues to assure there is adequate funding to secure our national interests where and as they are defined.

Mr. President, having made that opening statement I send to the desk——

Mr. LEAHY. Mr. President, will the Senator be willing to withhold just for a moment? We have not made the usual——

AMENDMENT NO. 2103 TO THE FIRST COMMITTEE AMENDMENT ON PAGE 2, LINE 12

Mr. MCCONNELL. No, Mr. President. I believe I have the floor. And I send to the desk an amendment to the first committee amendment and ask its immediate consideration. I send this on behalf——

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

Mr. MCCONNELL. I send this on behalf of Senator DOLE and Mr. LIEBERMAN.

The PRESIDING OFFICER. The clerk will first report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for Mr. DOLE, for himself and Mr. LIEBERMAN, proposes an amendment numbered 2103 to the first reported amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection to dispensing with the reading? Without objection, it is so ordered.

The amendment is as follows:

On line 21 of the first committee amendment strike the word "states", and insert the following:

"states

"BOSNIA AND HERZEGOVINA SELF-DEFENSE

"SEC. 17. (a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1994".

"(b) FINDINGS.—The Congress makes the following findings:

"(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

"(2) the United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina either within the United Nations Security Council or within the North Atlantic Council since the enactment of section 520 of Public Law 103-236, Senate passage of S. 2042 of the One Hundred Third Congress, and House passage of sections 1401–1404 of H.R. 4301 of the One Hundred Third Congress.

"(c) TERMINATION OF ARMS EMBARGO.—

"(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter."

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I will shortly ask unanimous consent—I want to make sure I present this correctly—I am going to ask for 25 minutes as in morning business for the distinguished Senator from Iowa [Mr. GRASSLEY], and 10 minutes as in morning business for the distinguished Senator from Minnesota [Mr. WELLSTONE]. I will ask that be done in such a way—and I will make this request after about a minute or so of comment on something else—I will ask it be done in such a way that it not remove the parliamentary situation we found ourselves in at the time I had suggested the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Parliamentary inquiry. The pending business is the

Dole-Lieberman amendment to the first committee amendment, is that correct?

The PRESIDING OFFICER. The pending business is the McConnell amendment for Mr. DOLE and Mr. LIEBERMAN.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will make my unanimous-consent request in just a moment.

I will note 14 pieces of the report language referred to by the ranking member were recommendations and not requirements. They were not completely funded, that is true. But they were funded in large measure, with a couple of exceptions. Just to be fair to AID—I stood on this floor and criticized them when I thought they deserved criticism, but to be fair to them, had AID fully carried out all the recommendations in the report, out of necessity they would have had to borrow money because we did not give them the money to carry out all the recommendations that were in the report.

In the past 3 years, we cut AID's development assistance budget by $400 million. So we cannot blame them for not fully carrying out recommendations for which we do not give them money. I think they did do a good job on most of the recommendations. In a couple of cases, they did fall short and with that I am disappointed. Because of that, we have contained $71 million more in development assistance in the House bill to help carry that out.

THE AGENCY FOR AMERICAN DEVELOPMENT?

Mr. President, over the past year I have made several statements on the need for the Agency for International Development to redefine its goals now that the cold war is behind us. No longer is the threat of communism our primary security threat and motivation for providing foreign assistance. With the end of the cold war, the most serious problems facing us today are unchecked population growth, widespread poverty, ethnic and regional conflicts, degradation of the Earth's environment, and the proliferation of conventional and, still, nuclear arms.

Under the strong leadership of Brian Atwood, AID has begun to redefine its mission and address some of the management problems that have plagued it for years. Administrator Atwood has tackled not only the bureaucratic morass that has impeded AID's effectiveness, he has refocused the agency's efforts on promoting sustainable economic growth, supporting democratic institutions and building foreign markets for American exports, and addressing basic humanitarian needs facing vulnerable groups like children and refugees.

Mr. President, as chairman of the Foreign Operations Subcommittee, I know that foreign aid is not popular. But I have never believed that is because the American people are not generous. There is ample evidence that they are. Rather, it is due to foreign aid being used to prop up corrupt dictators or wasted on grandiose projects that fall into disrepair after a few years. None of us want to see that, and Administrator Atwood is determined to see that it does not happen.

But while it is always easy to criticize, and there are grounds to do so, too little attention has been given to AID's accomplishments. Foreign aid not only helps people around the world who are less fortunate than we are, it also promotes American exports and it can even contain lessons for people here at home.

Recently AID cosponsored a conference in Baltimore entitled, "Lessons Without Borders: Local Problems, Global Solutions." The conference focused on issues like family health and economic entrepreneurship, and how we can apply lessons learned through our foreign aid programs to problems here in the United States. Vice President GORE was the keynote speaker. Senator SARBANES, Representative MFUME, and Mayor Kurt Schmoke also took part in what has become a partnership between AID and the city of Baltimore, a partnership AID hopes to duplicate with other American cities.

The theory behind these partnerships is that some lessons are universal. In areas like agriculture, health and small-business development, America can learn from its foreign assistance programs. In fact, AID has been working closely with community leaders nationwide in an effort to find solutions to problems which know no borders.

An example of this interactive sharing between cities in the United States and abroad is a program in Sarasota, FL, called School Year 2000. It as sponsored by Florida State University, funded through an AID grant, and directed toward a change in the school system in South Korea. The project created a new model for public education centered around the learner, based on competency and supported by technology. Originally started to reduce costs, the focus has expanded to improving the quality of education. The results of the program were so impressive that Florida legislators and organizations have used it to justify further investment in educational reform in their own State.

In Baltimore, research has been carried out to combat diarrheal disease, which kills millions of children each year. As many as 600 children in the United States die each year from this desease which, left untreated, can cause dehydration, while thousands of others are hospitalized. A solution of oral rehydration salts, developed through AID-funded research in Bangladesh, is being used to reduce these common ailments inexpensively.

The lesson here is that many of Baltimore's citizens are not aware of the availability of this low-cost remedy. An astonishing 150,000 of Baltimore's 730,000 inhabitants are functionally illiterate, and unable to read the signs that were meant to inform them of programs to protect their childrens' health. AID, which routinely works in countries with high illiteracy rates, has years of experience in innovative communication techniques for getting the message out about child health, family planning, and other programs. These same methods are now being used to educate needy people in Baltimore.

These are just two examples of how what we are accomplishing with our foreign aid dollars abroad can be used for our own benefit here at home.

The Florida State Interactive Program and the Baltimore conference show how AID is taking seriously its role in the global community. The focus is on solving problems that do not pay attention to State, national, or international borders. The "Lessons Without Borders" conference demonstrates how our foreign aid programs can help us find solutions to current American problems, and to current foreign problems which may become future problems in our own country. I applaud the Agency for International Development's efforts. While I do not suggest that it should change its name to the Agency for American Development, American taxpayers should be encouraged that it is putting these lessons to good use here at home as well as abroad.

Mr. President, I ask unanimous consent that an article from this Sunday's New York Times about "Lessons Without Borders" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 26, 1994]

FOREIGN-AID AGENCY SHIFTS TO PROBLEMS BACK HOME

(By Thomas L. Friedman)

BALTIMORE.—It is hard to know whether this a good news story or a bad news story, but here it is: The Agency for International Development, which spent the cold war fighting Communism with foreign aid and helping poor countries like Bangladesh immunize children, has found a new customer for its services: America's inner cities.

The good news is that A.I.D. has something to offer. The bad news is that parts of Los Angeles, Boston and Baltimore now need it as much as Bangladesh.

Over the years A.I.D. developed a reputation in Washington as a bloated and ineffective bureaucracy. But the Clinton Administration has been engaged in a major overhaul of A.I.D. The Clinton team is trying to shed what agency did worst, supporting anti-Communist dictators, and focus on what it did best—fostering cheap, low-tech methods for accelerating immunization, literacy and agricultural development and for nurturing small businesses.

The agency's shift in focus from Bangladesh to Baltimore was an accident waiting to happen. With no cold war, it was eager to justify its usefulness to taxpayers dubious

of foreign aid, and it discovered American mayors so beleaguered by the problems of their inner cities that they were ready to take help from anywhere, even if it meant comparisons between their inner cities and the third world.

While A.I.D.'s charter prohibits it from actually financing programs money in the United States, nothing prevents the agency from sharing its expertise.

While talking this past spring with Marian Wright Edelman, the longtime head of the Children's Defense Fund, about the health problems faced by American children, the agency's director, J. Brian Atwood, was struck by the similarities with the problems his agency was fighting in Mali and Egypt, he recalled on Tuesday in an interview.

Ms. Edelman, he said, was struck by how in some respects Mali and Egypt seemed to be doing much better than the United States.

In particular, Mr. Atwood recounted, they noted that measles vaccination rates among inner-city children under age 2 were averaging around 40 percent in the United States. Yet, Governments in Egypt, the Philippines, India, Sri Lanka and Indonesia, using some of their own programs and some financed and planned by A.I.D., had achieved childhood immunization rates in the high 70 percent range, according to the Unicef Progress of Nations report.

During an interview on C-span a few days later, Mr. Atwood mentioned this discussion and mentioned that his agency hoped to become more involved in sharing ideas with American cities.

An aide to Mayor Kurt L. Schmoke of Baltimore happened to be watching, and the city immediately contacted Mr. Atwood and volunteered Baltimore for the first test case. Other cities followed.

Mr. Atwood, recognizing a new market for his agency's expertise, ordered aides to come up with a program, eventually christened "Lessons Without Borders." On June 6, a team of the agency's senior health and development experts held a day-long seminar with their Baltimore counterparts at Morgan State University, discussing A.I.D. programs that had worked or, often just as important, had not worked.

Another conference is now planned for Boston this fall, and the agency is laying out a two-year schedule for other cities that have asked for advice.

Still, it was not an easy thing for Mayor Schmoke. The headline in The Baltimore Sun the day of the conference read: "Baltimore to Try Third World Remedies." In fairness to Baltimore, it is one of the most thriving cities on the East Coast, with its rebuilt inner harbor, National Aquarium and downtown stadium of Camden Yards, anchoring a real urban renaissance.

But that renaissance is a work in progress. Just a few miles from the inner harbor, areas of Baltimore's inner city are rife with AIDS, illiteracy, family breakdown, joblessness and drugs.

LIKE A THIRD WORLD COUNTRY

"We have to let everybody know that we are not suggesting that our entire city has the same problems as a third world country," said Mayor Schmoke. "But we ought to recognize that there are sections of the city that are similar to the problems of less-developed countries."

Baltimore officials say they learned a number of things from their A.I.D. visitors. Although Baltimore has well-financed social programs, many people do not come in to use them. One reason is that 150,000 out of Baltimore's population of 730,000 are functionally illiterate.

"We found that people could not read the signs," said Mr. Tawney. A.I.D. operates in so many countries where illiteracy is taken for granted, and at the conference A.I.D. officials discussed many of the techniques they have developed for getting around illiteracy and promoting immunization, population control and other remedies. These ranged from using soap opera characters to entice people into clinics, to cartoons, to jingles, to having beer truck drivers distribute condoms as they drop off beer kegs at pubs in Jamaica. They also discussed A.I.D.'s "barefoot doctor" program of paying local villagers to go out and recruit people to come to clinics.

"You want to know what the real irony is?" asked Dr. Peter Beilenson, Baltimore's Commissioner of Health. "The company that develops these communications programs for A.I.D. is from Baltimore. Its office is about three blocks from here."

A SMALL GRANT GOES FAR

Another big issue discussed was job creation. Twenty years ago, the biggest employer in Baltimore was Bethlehem Steel, with about 35,000 employees. Today, the biggest employer in Baltimore is Johns Hopkins University Medical Center. Twenty years ago, a high school dropout was able to get a job at the steel plant, and buy a house and raise a family. Today, even a college degree would not guarantee a job at Johns Hopkins. This has left many inner city youth in Baltimore stranded, but one of the things discussed by A.I.D. and the Baltimorians, was trying to fill the void with a program A.I.D. has fostered with third world governments, called microenterprise development.

In Bolivia, for instance, the Banco Sol, partially supported by A.I.D. has been giving tiny loans, sometimes only $10 or $20, to men, and particularly women, who are working out of their homes and who, with just a little capital, might not only be able to sustain their own business but employ others as well. Sometimes the money goes for a sewing machine, sometimes it goes for teaching book keeping or commercial laws.

Michael A. Gaines Sr., head of Baltimore's Council for Economic and Business Opportunity, said what he learned from the AID seminar was that "Third world governments did not provide a social security net, but their policies increasingly allow for free flowing microentrepreneurship. We provide a social security net, but it comes with policies, restrictions and guidelines that preclude entrepreneurship."

Mr. Gaines is now running a pilot project in Baltimore intended to show how microentrepreneurs—the mother who does hair styling out of her home or the mechanic who works out of his garage—can grow with a small loan and a business plan.

Mr. Gaines said he would like not only A.I.D.'s advice, but also a slice of its $7 billion budget. Indeed, there is such a hunger for its expertise, and money, that it may justify itself right out of existence or be asked to be come A.A.D.—"Agency for American Development."

Mr. Gaines said: "If you were able to fold some of those AID resources and knowledge, with the Housing and Urban Development Agency and the Commerce Department, and start working in a coordinated way in this country, oh man, the potential would be tremendous."

Mr. LEAHY. Mr. President, I now ask unanimous consent that the Senator from Iowa [Mr. GRASSLEY] be recognized as in morning business for 15 minutes; the Senator from Minnesota [Mr. WELLSTONE] then be recognized as in morning business for 10 minutes; and that we then go back on the bill in the situation in which the bill is now.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa, Senator GRASSLEY, is recognized for 15 minutes as in morning business.

SPEAKING FEES AND JOURNALISTS

Mr. GRASSLEY. Mr. President, the May 1994 issue of the American Journalism Review, [AJR], contains an article of great importance to the public, and to the journalism profession.

The article is written by Alicia C. Shepard, and it is entitled "Talk Is Expensive." It raises critical questions about the propriety of journalists taking speaking fees and trips from those whom they potentially or actually write about.

At issue is whether the acceptance of such fees constitutes a conflict of interest, or even the appearance of a conflict. If a reporter accepts money from an industry that he or she covers, how credible should we view their reporting?

I am speaking about this issue today because I believe a debate within the journalism community, and some appropriate steps, would help restore the credibility reporters seem to have lost with the public. As a Member of Congress, I believe I know a lot about credibility problems with the public.

Such steps are important if the Fourth Estate is to continue its role as an effective check-and-balance on our system of government.

Those who accept such fees deny that they are influenced; those who reject the fees say those who take them are helping to compromise the credibility of the journalism profession.

What is more, they say, it seems hypocritical for reporters to take money from the same sources they criticize for buying influence with and access to Members of Congress.

Mr. President, I intend, at the conclusion of my remarks, to ask that the article by Alicia Shepard be printed into the RECORD. But first, I would like to highlight the main points of the article. And then I will indicate where I am headed with this.

According to the article, journalists sometimes receive speaking fees from trade associations and other organizations. The fees range from a few hundred dollars, on up to $30,000, depending on the journalist's public profile; sometimes they are paid for free-lance articles in an organization's newsletter; sometimes they go on trips or cruises in exchange for a lecture.

The percentage of the journalism community that partakes of these offerings is small. But it is growing. And it has taken hold especially in the

power centers of our country—Washington and New York. The recipients tend to be those we often recognize as the media elite—those with a high profile, usually on TV news shows and the like.

It is difficult—in fact, it is almost impossible—to tell which journalists make how much money. There is no requirement that such information be disclosed, and it usually is not, except when it is done selectively and voluntarily. According to the article, those who receive fees say it is none of the public's business.

Included in the article are several examples of potential conflict situations. I will not get into those specific cases because my colleagues can read about them tomorrow in the RECORD.

Also included are the arguments of dozens of prominent and not-so-prominent reporters, both pro and con. The debate resembles, to a great degree, those we have had on this very floor regarding the recent gift ban bill, the honoraria ban, and so on.

Critics charge that taking fees and other gratuities raises questions of a reporter's objectivity. And it is not just the taking of money that is questioned. It is the amount of money that some take that raises questions of possible influence and access-buying. Again, this is reminiscent of our debate on honoraria and campaign finance reform.

The article asserts that if some of the high-paid, big-name journalists made less on the side, perhaps there would be less criticism. Even one of the most prominent reporters, ABC's Sam Donaldson, who commands fees at the top end of the scale, admits speaking fees can be excessive.

Speaking of excessive, there is the case of White House staffer David Gergen. Before working in the White House, Mr. Gergen was required by law to disclose his speaking fees to the Office of Government Ethics. In 1992 alone, while working for U.S. News & Work Report, he gave 121 speeches. He reaped a total, for those 121 speeches, of $466,625.

As Ms. Shepard notes, that is a speech every 3 days.

Then again, the question is raised: To what extent is this debate driven by those who resent the fact that they cannot share in the same largess? One reporter interviewed seems to suggest jealousy as a motive of some critics. He said, "It's wonderful to have these standards. But the ones who have them don't seem to have to apply them."

The issue of public disclosure is cited as a possible first step toward a solution. There are no requirements for disclosure by journalists, such as Congress has had for honoraria, trips, and gifts. Yet some news organizations have their own internal policies regarding fees and disclosure.

For example, ABC News just issued a memorandum banning its on-camera journalists from taking speaking fees from trade associations or other for-profit organizations.

Finally, the article describes a specific instance in which efforts by some journalists to partially disclose became a casualty to resistance.

Not too long ago, members of the Periodical Press Gallery, right here in Congress, tried to address the issue of disclosure. Let me describe what happened.

First, by way of background: If you are a reporter for a periodical covering Congress, you have to get your credentials approved by a standing committee of the Periodical Press Gallery. The committee is comprised of seven reporters who are members of the Gallery. They decide who gets credentials and who doesn't.

Until 1988, disclosure requirements for members of the gallery were simply to list the speakers' bureau that pays them. They were not required to list the group spoken to or the amount of the fee.

But in 1988, the seven-member committee decided to reform itself. It still did not require disclosure of the amount of the speaking fee. But it did require disclosure of the group spoken to, and the date of the speech.

Now, what was the reaction by the members of the gallery to this reform?

Four of the seven were defeated for reelection. They were replaced by four new members. And the newly comprised committee than reverted to the pre-1988 requirements.

This is sort of the way bureaucracies in Washington respond to whistleblowers pushing reform. They reorganize them out of a job. They put them somewhere where they cannot cause any harm to the system.

While Press Galleries may not be well-suited to compel disclosure, it could be done by individual news organizations. I will have more to say about this momentarily. But it does lead me, Mr. President, into my own views on the issues covered in this article.

Polls have shown that the American people do not think very much of politicians or journalists. We are right down there together, just about slick "used car" salesmen.

Both of our professions have suffered credibility problems. The public attitude toward us is one of great cynicism.

And perhaps justifiably.

In the case of politicians, we are perceived as always saying one thing, and doing another. Congress is still the last plantation; it is the only place where one-plus-one can equal eleven. It is the place where mañana is the busiest day of the week. It is the place where a lack of common sense is not a handicap.

As for journalists, there is a fast-growing perception that they are part of the system instead of being impartial observers. The saying goes, "If you believe everything you read, better not read." Readers are becoming more and more of what journalists are becoming less and less of—skeptical.

Perhaps just like us in Congress, the journalism community needs to rebuild its credibility. In recent years, Congress has taken small steps toward outlawing most honoraria and banning gifts and travel. We have taken small steps toward subjecting ourselves to the laws we pass for the country. This is, in fact, an issue that I have taken the lead on. And, we have a lot more to do before we regain the trust of the people.

For journalists, the issue of taking speaking fees is best put by Walter Cronkite in the piece by Alicia Shepard. He said:

> I absolutely agree with those defending the practice by saying they are not influenced. I believe that. I believe good journalists, the ones who are admired any way, have nothing to fear from internal introspection as to what they've done or are doing. It's solely a matter of perception, and important to our integrity.

Mr. President, I share Mr. Cronkite's opinion. I do not intend for my remarks on the floor here today to be misconstrued as press-bashing. I do this out of respect for the profession. Just as we are servants of the people and keepers of the public trust, so, too, are journalists.

And I am not suggesting that fees and gifts should not be taken. We in Congress have banned honoraria for ourselves, now, except when we give our fees to charity. And our gift ban bill is now in conference. Let me make clear: Regardless of these changes, no Member of Congress has the credibility, in my view, to moralize to others about accepting fees or gifts or other gratuities.

But if I could make a suggestion for a place to start, it would be public disclosure. Disclosing pertinent information, such as who paid how much to whom, is the essence of what I am suggesting. Not rejecting fees.

I also want to be up front about the fact that I have taken honoraria myself. But I have been required by law to disclose how much I received and from whom. My constituents could then judge for themselves whether there was a conflict of interest or an appearance thereof. The same standard should obtain for journalists, with public disclosure.

My favorite saying in public life is: "Mold doesn't grow where the sun shines in." In fact, that is primarily the job of journalists—to shine a light throughout our Government, and throughout our country. Disclosure would be consistent with that principle.

Members of Congress are indeed held to a higher standard than journalists. This is because we are elected officials

of the Government. As such, our actions are governed by statutes, like conflict of interest laws. And we are held accountable by the votes.

Members of the media, not being elected officials, are not subject to the same high standards and, consequently, are not subject to conflict laws.

However, the media has always enjoyed a special niche in our society because of its relevance to the public interest. It enjoys protections under the first amendment, which presupposes a public trust.

After all, the parable "Let he who is without sin cast the first stone" best fits the journalism profession. And so every effort should be made to maintain the image of being pure as the driven snow.

Because of this important role in our democracy, and since the media is not subject to conflict laws, it must therefore discipline itself. It must hold itself accountable. It is obliged to do so.

Like politicians, journalists must accept and fulfill their role in the public trust if they are to re-establish credibility with the public.

Public disclosure of fees by journalists would be a step toward restoring that credibility.

Journalists could take a lesson learned from our debate here on the Senate floor. As the reform winds swept through this body, many of my colleagues rejected the contention that they could be influenced by honoraria—regardless of the amounts. And I agreed with them.

But the press and the public didn't buy those arguments. And that's because the issue was not our integrity. It was the public's perception of our institution that was the problem.

As one political consultant might say, "It's the perception, stupid!"

And so the arguments made by my colleagues were true in most cases, but the public and the press didn't buy them. So if these arguments never played with the press, why should they play among the press.

Regarding that perception, here's what a spokewoman for Ted Koppel of ABC "Nightline" had to say about Mr. Koppel's views:

> He doesn't feel there's a conflict in every case. But he feels uncomfortable explaining to the people in his audience, who depend on his credibility, why he was doing it.

Mr. Koppel stopped speechmaking for fees 5 years ago.

And journalism professor Steven Knowlton of Pennsylvania State university echoed the rationale:

> If you can convince an auto mechanic or a barber that the money you took wouldn't buy any influence, that would be OK. But my tailor wouldn't believe that, if I took $30,000 from an individual, I wouldn't be influenced.

Mr. President, I understand the point of view of Mr. Koppel and Dr. Knowlton because it is the same rationale I used in supporting the gift ban here on this floor. It is a matter of our credibility—the way we are perceived by the public.

Again, I decided to speak about this issue today in the hope that this issue will spark a public debate within the journalism community. The introspection and the open debate would be good therapy, as it has been for Congress.

Addressing the issue would help restore credibility to the profession. The media cannot serve as an effective check-and-balance on the system of government without it.

My interest in this issue, Mr. President, is similar to my interest in the area of congressional coverage. It is important that Congress reestablish its credibility. It is important that journalists do likewise.

We in Congress, as well as journalists, are theoretically closest to the people. Yet our credibility with them has suffered precisely because we have withdrawn from them. We've become part of the system. And so if we can resume our proper roles in this democracy and thereby restore our credibility, much of the current cynicism in the public can be rooted out. Clearly, this is our paramount goal.

As for what steps to take, again it must be voluntary, and up to each organization. If the objective is to restore credibility, corrections must come from within the community itself.

So I am not talking about any kind of law, or some kind of rule change from the Rules Committee to our press galleries, or anything like that. That would amount to censorship and interference.

Rather, each news organization must decide for itself what its policies should be. ABC decided to ban speaking fees from all trade associations and all for-profit companies. ABC should be commended, in my view, for taking this giant step forward.

As for smaller steps, such as disclosure, I would toss out an idea for discussion. I realize there are drawbacks to this approach, but perhaps organizations like the National Press Club, or other press clubs, could be helpful.

When journalists, who are required by their companies to disclose, would give a speech for a fee, the relevant information could be deposited with the press club's library, and could be accessible to the public. Or, perhaps the information could be made available from the news organization itself. Either way, the public would have access to information needed to judge possible conflicts of interest.

Mr. President, this concludes my observations about the issue of speaking fees and journalists. They are meant as constructive remarks, and I hope they are received that way.

I wish to commend the author of the piece—Alicia Shepard—for her contribution to the debate. As noted earlier, Mr. President, I now ask unanimous consent that Ms. Shepard's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TALK IS EXPENSIVE

(By Alicia C. Shepard)

They don't come cheap. Diane Sawyer and Sam Donaldson are said to command up to $30,000 for a speech, Cokie Roberts up to $20,000, and David Brinkley $18,000. The going rate is believed to be as high as $12,500 for George Will and $10,000 for Tim Russert. William Safire says he's gotten $20,000. Anna Quindlen has received $15,000, CNN's Judy Woodruff and NBC's Lisa Myers say they've each pulled in $7,500, and Newsweek's Howard Fineman has earned $5,000.

That's according to brochures put out by speakers' bureaus, people who deal with the bureaus, published reports and, in some cases, the speakers themselves. Exact figures are often hard to pin down, since many celebrity journalists are extremely reluctant to reveal specific numbers. And often these same highly paid journalists speak for free, or charge much less than published rates.

What these journalists and a few hundred others have that the rest of us don't is "podium talent." And many have turned it into a lucrative sideline, giving one- to two-hour speeches to trade groups, colleges, corporations and conventions in return for what many other journalists may earn in a month or even a year.

Not every journalist can dip into the honoraria trough. The pool is limited to those with big names, wit and something pithy or insightful to say about politics or the media. Most of those commanding large speaking fees are the media elite of Washington. The rest come largely from the New York City media establishment. But those who collect fees are increasingly making those who don't uncomfortable. They say receiving large sums for speaking before groups with a vested interest in news coverage can give the appearance of a conflict. And it seems hypocritical for reporters to stuff their pockets with money from the same organizations they criticize for trying to buy influence on Capitol Hill.

To some, such impressive fees suggest those willing to pay want something in return. Of course, journalists who take honoraria say that isn't so. High-profile journalists say they are perceived as celebrities and entitled to capitalize on the years of work that led to stardom. And echoing members of Congress—who have been banned from taking honoraria since 1991—they insist they're not tainted by the money.

But those who decline invitations say the credibility of journalist speechmakers is compromised. As in politics, the appearance of a conflict, they say, is just as harmful as a real one. Although evidence of a quid pro quo has never surfaced, there have been instances where it's caused embarrassment to a journalist or his or her employer.

"I think we ought not to be doing this," former CBS and NBC correspondent Roger Mudd told AJR. "It poses so many difficulties. Journalists as a breed hold the politicians to a certain standard of conduct and a certain standard of the appearance of conduct. When it applies to us we frequently fail our own test."

"It's not a black-and-white situation," adds Walter Cronkite, who took money for speeches while at CBS, "but I would have to agree with the critics that it probably is better avoided."

Some journalists receive honoraria for services other than speeches. Beat reporters write freelance articles for organizations that have political or social agendas that benefit from news coverage. Others give lectures in exchange for junkets aboard cruise ships.

Whatever it is, as the number of possible conflicts increases, those who may be most confused are viewers and readers. "Journalists are something like judges in society," says ethics and public affairs professor Deni Elliott of the University of Montana. "I don't know the individual journalist I'm asked to trust. Maybe they absolutely can't be co-opted but I don't know that. I don't know who to trust."

Journalists aren't the only ones collecting speech money. They're marketed in the same brochures promoting Jimmy Carter, Marilyn Tucker Quayle, F. Lee Bailey, Art Linkletter and the Amazing Kreskin. Colin Powell, the recently retired chairman of the Joint Chiefs of Staff, has 60 speeches lined up this year for $60,000 each, according to a source who has worked with the Washington Speakers Bureau. While it's unlikely that even big-name journalists rake in as much as Powell, few journalists AJR spoke with would disclose their earnings, saying it's not the public's business.

While print journalists aren't often considered celebrities, television has helped raise the profiles of many newspaper and magazine journalists, like Al Hunt of the Wall Street Journal. Hunt, the Los Angeles Times' Jack Nelson, Newsweek's Fineman, the Washington Post's David Broder and other print reporters became popular as public speakers by sharing inside Washington tidbits on weekly public affairs shows like "Washington Week in Review," "The McLaughlin Group," "This Week With David Brinkley" or CNN's "Inside Politics."

"The ones who write about politics are most popular," says Lynn Choquette, a partner with the National Speakers Forum, which represents about 50 print and electronic journalists. She says her clients' fees range from $3,000 to $60,000, with journalists getting between $3,000 and $30,000.

The most popular? "Eleanor Clift. Fred Barnes. Morton Kondracke. George Will. David Broder," says Choquette. "People care intensely about domestic politics. That's one reason. Many of these journalists have become TV stars in their own right and that raises their level of celebrity. . . . If they have a charming personality and are telegenic, that really helps."

And that's where podium talent comes in. A moonlighting journalist can't just know health care reform or Whitewater inside out. "Speaking is akin to show business," says Phil Frankio, vice president of the Speakers Guild. "So there's not only the informational element, but somebody certainly has to have a good rapport with the audience. That may include humor or anecdotal type stories."

Leading Authorities, a speakers' group that lists a stable of 50 journalists eager to talk, most for $5,000 or less, prints this disclaimer in its booklet: "Keep in mind that speaking fees are a function of many variables, including: how well-known the speaker is; the amount of time (preparation, speaking and travel) required to perform the speaking engagement; and the value each speaker places on his or her time. Higher fees do not guarantee a more substantive presentation or more polished performance."

Among those listed with Leading Authorities who speak for $5,000 or less if no traveling is involved: Scripps Howard's Peter Brown, CNN's Jill Dougherty, syndicated columnists Jack Germond and Jules Witcover, ABC's Hal Bruno, NPR's Ray Suarez, U.S. News & World Report's Ken Walsh and Time's Michael Duffy.

Whether it's $5,000 or $30,000, the fee still dazzles journalists who can't command it. The rank and file are quick to note a certain irony. "The people who tend to get these speaking gigs are the people who need it the least," says Carl Cannon, White House correspondent for Baltimore's Sun. Speech-making journalists are not eager to publicize how much they do make.

Even Sam Donaldson, whose reported fee of $30,000 has been widely cited in the press, won't confirm the amount, although that's what one special interest group said it paid the anchor. Donaldson advised AJR to call his speakers' bureau, which won't disclose it either. "I can tell you I didn't receive $30,000 but I'm not playing games with you," Donaldson says.

"I'm not going to disclose it," echoes the Wall Street Journal's Al Hunt. "I don't have a standard speech fee," says the Washington Post's David Broder. "I don't need to discuss that," says ABC's Catherine Crier.

PBS' Robert MacNeil says he speaks "primarily to promote the 'MacNeil/Lehrer News-Hour,' public television and my books" and says most of his speaking engagements are unpaid. Nonetheless, he says, "I think my fees are a private matter between me and my sponsors. But they range from honoraria of a few hundred dollars to a few that are in the upper end of current lecture scales."

Whatever the amounts, what happens when journalists speak before groups that have been or could be the subject of one of their stories? Take the case of Donaldson. On January 20, "PrimeTime Live" aired an investigative piece by Chris Wallace about a junket earlier that month sponsored by a group of insurance organizations, including the American Insurance Association, for about 30 congressional staffers. It was vintage "PrimeTime Live," with hidden cameras catching the staffers on the beach in Key West, Florida, and charges of influence peddling. The message was that once again a trade organization was trying to buy votes on Capitol Hill.

Only this story had a small on-air asterisk. Donaldson, too, had benefited from the industry's generosity and Wallace disclosed that fact, but not the amount, during the piece. *A year before Wallace's story aired, a consortium of many of the same insurance organizations that sponsored the Florida junket flew Donaldson first-class to New York City and chauffeured him by limousine to the Waldorf Astoria Hotel. There, he gave a one-hour speech for $30,000, according to a spokesperson for the group—about what it cost the industry to foot the bill for 30 in Florida.*

In its defense, Paul Equale, senior vice president for government affairs of the Independent Insurance Agents of America, asked Wallace on camera why it was OK for Donaldson to accept money from them and not OK for the congressional staffers.

"If Sam Donaldson can accept $30,000 from this industry and still do this story on 'PrimeTime Live,'" he asked, "why can't you understand that members of Congress and their staffs can accept a trip worth far less and still be as tough on my industry as Sam Donaldson? It's the same logic." Wallace ignored the question and the exchange never aired.

Rick Nelson, a producer with "PrimeTime Live," says the program didn't air Equale's question because "I don't think he made it [the point] very well," and Equale took too much time in bringing up the issue.

Donaldson argues that he's not writing laws for the insurance industry "that could cost them or make them millions of dollars."

He may not be writing laws, says Equale, but Donaldson's got more influence on the public agenda than many members of Congress. (As an example of the media's power, consider the libel suit Philip Morris filed in March against ABC over a segment aired on "Day One." The company says that when the show alleged in February and March that Philip Morris adds nicotine to cigarettes to keep smokers addicted, its stock dropped in value by $2.4 billion.)

Equale also notes that laws mandate that members of Congress and their staffs disclose trips paid for by lobbyists. "Sam Donaldson is under no such requirement," he says. "That's a double standard."

Equale isn't the first to accuse Donaldson of wanting it both ways. In spring 1993, "PrimeTime Live" broadcast a piece on a trip two dozen members of Congress and their spouses took to an island off the coast of Florida. It was paid for by the Electronic Industries Association (EIA). At the last minute ABC News President Roone Arledge insisted that Donaldson reveal he too had taken money from EIA for a speech in 1989—although the specific amount ($25,000, according to EIA) wasn't mentioned.

The show prompted a debate on the journalism bulletin board of CompuServe last May. Marianne Lavelle, a reporter with the National Law Journal who took part in the discussion, told AJR, "I may know as a journalist that he's unbiased, but how does Jane Doe in Pennsylvania know that he's not biased? The whole thing just increases your level of cynicism."

Donaldson didn't do the reporting for either piece and says his fees are being used by the two groups to deflect criticism. "If you or anyone else could provide evidence that I'd spoken to the insurance [industry], collected a fee and then somehow put the kibosh on the investigation or asked Chris Wallace to pull back his punches, that would be a real good story," Donaldson says.

"In fact, though, what the story appears to be, is pay Donaldson to speak to you and get investigated by 'Prime Time.' It's hard for me to see how anyone can make out that I have thus traduced the best traditions of our business."

Cokie Roberts, a reporter for NPR and ABC, was also recently criticized when she gave a speech to the Group Health Association of America, a group with a strong interest in the outcome of President Clinton's health care reform legislation. C-SPAN wanted to cover it but was turned down by Roberts' agent, the Harry Walker Agency, which bars C-SPAN cameras because they make it difficult for its clients to command large fees.

Roberts, who did not return repeated phone calls because she was "extraordinarily busy," has never publicly disclosed her fee, but insiders say it's $20,000—minus the agent's commission.

In a March column, the Chicago Tribune's Washington bureau chief, James Warren, criticized Roberts and CBS' Lesley Stahl. Stahl recently took money from Cigna Corp., an insurance company with a major stake in the health care debate. Warren speculated that Stahl was paid in the $10,000 to $20,000 range.

"Taking money from such a group shouldn't be a close call for someone covering Congress' biggest issue of the year,"

Warren wrote. "But in Washington, the reporter-pundit class, which craves both to be on TV and subsequent speaking gigs that can bring hefty outside income, is expert at rationalizing such conflicts with a mix of sophistry and fervent self-righteousness. One line usually is, 'Oh, there's nobody who thinks that my opinions can be bought.' . . . Baloney. When money changes hands, the relationship between reporter and subject changes."

Roy Brunett, a spokesperson for "60 minutes," says Stahl, who moderated a discussion on health care issues sponsored by the company, does not consider it a conflict or even the appearance of one. She also will not disclose her fee, Brunett says. "That's between her and the company."

Warren says he took $200 from the American Bar Association a few years ago to run a symposium, but now regrets it. "If I had to do it again," he says, "I don't think I'd take the money."

Beat reporters who have developed an expertise in their field also are often asked to speak to or write for groups they cover. One potential conflict arose when the World Resources Institute (WRI), an environmental think tank in Washington, D.C., asked three reporters to write for "The 1994 Information Please, Environmental Almanac," which was compiled by WRI and published by Houghton Mifflin. Bob Wyss of the Providence Journal-Bulletin, Russell Clemings of the Fresno Bee and Mike Mansur of the Kansas City Star wrote chapters and were paid. Says Mansur, who was paid $2,000 by Houghton Mifflin for a 7,000-word chapter, "None of the information [I wrote about] was new. It was all part of my coverage . . . for the Star."

Wyss, who wasn't required to check with an editor before taking the assignment, says there's no conflict. "It's extremely remote that I would be covering World Resources Inc. They're just not the sort of mainstream sort of environmental group that I even deal with." Clemings says he checked back to see what had been written about WRI before accepting the assignment. His last story on the institute had been about the almanac, but he says if something came up again, he would turn it over to another reporter.

Nevertheless, Bud Ward, editor of Environment Writer, a newsletter read by 1,400 environmental journalists, says he questions "whether they should be writing for a group that's subject to their own coverage. I'm concerned about the public's attitude toward the press. This kind of thing gives the public more reason to be skeptical of the media's independence."

Another subject of criticism from some reporters has been well-known journalists who give lectures in exchange for fancy accommodations on cruises where the paying passengers are lawyers, accountants, financial planners and insurance underwriters. Last year, for example, the L.A. Times' Jack Nelson and Paul Duke, the recently retired host of "Washington Week in Review," took two all-expenses paid cruises on luxury liners for a conference organized by a Florida travel agency. Some call it journalist junketeering; Nelson says he's providing a service.

Critics say that taking money from groups falling under a reporter's purview raises all sorts of potential conflicts of interest or, at the least, the appearance of one. The money also raises questions about a reporter's objectivity. "It seems to me the problem is because Sam and others take that kind of money it precludes them from ever covering insurance scandals," Roger Mudd, who now teaches journalism at Princeton University, said on a recent radio talk show. "It puts them in an immediate conflict of interest." Mudd says while he was with the networks, he took some small fees for speeches to schools.

James D. Squires, a former editor of the Chicago Tribune, tells of the time the Tribune's movie reviewer, Gene Siskel, wanted to do some side work for the Walt Disney Co. Squires said no. "If every time Gene Siskel came on TV and says 'I'm about to review a Disney movie and I'm paid by Disney but I'll still be impartial,'" says Squires, "look how silly that would look."

Bob Steele, director of the ethics program at the Poynter Institute, believes that, in their hearts, reporters who speak for cash may be 100 percent certain of their objectivity and fairness. But there's no way to prove that to their audience. "How do we know what didn't go into the story?" he asks. "Or that a journalist would do a story and be exceptionally hard on an organization to prove they were neutral?"

There's yet to be a case, however, in which there was a proven quid pro quo. "No one for a minute who knows Sam would think he could be influenced," says Squires, who once took $5,000 from the American Petroleum Institute while at the Tribune and donated it to charity. "But what it does is put the credibility of brand name journalism at risk. The same kind of damage is done by 'Hard Copy' and little nitwit reporters showing up on television making wild allegations."

Public figures also question the practice. At an April meeting of the American Society of Newspapers Editors, former Secretary of Defense nominee Bobby Ray Inman, who cited criticism of the media when he withdrew his name from consideration, chided columnists who take big fees for speeches.

Edward Pound, an investigative reporter for U.S. News & World Report, recalls asking White House adviser James Carville about speeches he gives to special interest groups. Carville deflected the criticism. "What he said to me was, 'What I find mostly when I go there is reporters giving speeches. I usually find myself preceding and following a reporter,'" says Pound. "There's a lot of truth to that. I don't want to sound high and mighty, but I just don't think it's a good policy. When I came to Washington in 1977, it wasn't nearly at the stage it is now. It's out of control."

Some critics say that while talking for dollars can be questionable—depending on the group paying—it's the amount that has people wondering if a group is trying to influence or buy access to a journalist.

"Journalists need to ask, 'What would reasonable people think about me taking an honorarium for speaking before this special interest group that has a vested interest in how they are covered?'" says Ralph Barney, a communications professor at Brigham Young University who specializes in ethics.

What would reasonable people think about U.S. News & World Reports' former editor at large, David Gergen? Before he became counselor to President Clinton, Gergen collected $466,625 for 121 speeches in 1992, according to a report he filed with the Office of Government Ethics. That's a speech every three days. In the month of October 1992 alone he gave 15 speeches—two on one day. In the first six months of 1993, Gergen spoke 50 times to groups such as IBM, the Mexican Stock Exchange and Dow Corning, earning $239,460—about the same amount as 18 months of his annual salary. The majority of organizations paid $5,000 or more. Gergen did not return phone calls.

Another journalist who joined the Clinton administration, Strobe Talbott, former editor at large for Time magazine, collected a total of $20,000 for two speeches in 1992, according to financial disclosure reports he filed when he became deputy secretary of state.

If Talbott, Gergen or Donaldson reaped $100 per speech, fewer would question it. Most agree journalists' time is valuable and they should be compensated. But $12,000—which Gergen got in 1992 for a speech to the American Stock Exchange—is another story.

"The group that hired you clearly thinks it's getting its money's worth or they wouldn't do it," says Steven Knowlton, a journalism professor at Pennsylvania State University who wrote a book on ethics titled "The Journalist's Moral Compass." "Is it for Sam Donaldson's brilliance or insight? No, I don't think so. They think they're buying some influence or else why would they do it?" He believes a reasonable fee would cover expenses or be a day or couple of days' pay.

Knowlton and the public might perceive it that way, but Donaldson says since he first took $100 in 1969 no one "in any of these organizations has called me and asked me to do something for them or to not do something against them."

Mark Rosenker, vice president of public affairs for the Electronic Industries Association agrees that his organization is not looking for favors but simply access. "My business is to get stories in the paper or TV," he says. "Would I call Sam? Yes. But I don't believe he'd do a favorable story or kill a story no matter how much I paid him for a speech."

Why then do trade groups and corporations—the ones that generally pay big fees for big names—pay Sawyer, Roberts, Donaldson and other well-known journalists outrageous sums?

Representatives of these groups say the reason is much simpler and much less conspiratorial: They pay big money because that's what topflight journalists charge. Many industry groups say they want a big-name journalist to talk about Washington and to help attract members to their conventions or meetings.

"At these big industry meetings, we fly in CEOs, their wives and district managers," says the insurance industry's Paul Equale. "They want glitz. Television has turned these people into celebrities." Adds EIA's Rosenker, "We expect a good speech. We expect to be entertained and enlightened."

Even Donaldson concedes that the fees border on the absurd. He says he charges what he does because that's what the market will bear and he wants to limit engagements—although he's listed with at least six speakers' bureaus. Donaldson says he doesn't even prepare for them: "If you hire me you're getting pretty much an off-the-cuff, let's-wing-it version of what's going on in Washington.

"You and I can agree that maybe it's silly or a waste of their money, but they actually pay me because they think I'm a celebrity who will come to their convention, whose members will be impressed that I'm on the program."

Knowlton won't argue with that. "As a journalist, he's not worth $30,000," he says. "But he is as a star."

Carl Cannon of Baltimore's Sun is not on the speaking circuit. He and others acknowledge that some criticism may come from that old green-eyed monster, jealousy. What would the have-nots do, asked a journalist who didn't want to publicly defend that practice, if they were offered a change to speak

for an hour for what they might earn in a month? "It's wonderful to have these standards," he says, "but the ones who have them don't seem to have to apply them."

Not all journalists, even those with podium potential, speak for money. Jim Lehrer, host of PBS' "MacNeil/Lehrer NewsHour," used to do it. Unlike his partner, Robert MacNeil, who speaks about 25 times a year but often for free, Lehrer now turns down invitations because of the public perceptions problem. He also says he doesn't need the cash anymore.

"I quit doing it since I no longer had kids in college," says Lehrer. "I'm not comfortable with it, to tell you the truth. I don't want to come over as being sanctimonious of self-righteous about this. I think everybody has to make their own decision. I'm just not doing it myself because of the nature of the business I'm in."

Another reason Lehrer doesn't do it, he says, is because taking cash on the circuit makes his colleagues occasionally appear hypocritical. "What I object to, to be straight about it, is journalists who take the position that they are purer than all other people," says Lehrer.

Lehrer says if he took $30,000 from a group, he's sure he wouldn't be influenced. "But if a member of Congress does that we automatically assume that it's not only unethical, but the guy's on the take," says Lehrer. "It's the self-righteousness that accompanies the taking of this money by journalists that I think is just absolute bullshit. Take the money, fine. Go make our speeches and be pure. But don't assume that everybody else is less pure than you are."

NBC's Tom Brokaw airs his views but gives the money to a foundation that distributes it to charity. Brokaw, like many other well-known journalists, also speaks for free to colleges, charities and civil groups.

ABC's "Nightline" anchor Ted Koppel quit speechmaking five years ago when he became dumbfounded by how much groups would pay. "He personally became uncomfortable with the whole process of taking money for speeches," says ABC spokesperson Eileen Murphy. "He doesn't feel there's a conflict in every case. But he feels uncomfortable explaining to the people in his audience, who depend on his credibility, why he was doing it." Some critics charge that Koppel and Lehrer both stopped doing it when they reached points in their career where their salaries were so high they could easily afford to be more ethical.

Koppel seems to have applied the same litmus test that Knowlton thinks all journalists should use. "If you can convince an auto mechanic or a barber that the money you took wouldn't buy any influence," says Knowlton, "that would be OK. But my tailor wouldn't believe that if I took $30,000 from an individual, I wouldn't be influenced."

Walter Cronkite says he "never thought about" the money he accepted for speeches while at CBS. "It never seemed to be a problem." But in retrospect he also believes perception problems are the most worrisome aspect of accepting honoraria.

"I absolutely agree with those defending the practice by saying they are not influenced. I believe that," he says. "I believe good journalists, the ones who are admired anyway, have nothing to fear from internal introspection as to what they've done or are doing. It's solely a matter of perception, and important to our integrity."

Judi Hasson, a reporter for USA Today who covers health reform, is one who refuses invitations from any group involved in her beat. "I just don't want to be taking money from the people I write about," she says. "I can use the money. But it's not difficult to turn it down."

Others wrestle with each invitation. "Every time someone asks you to speak," says ABC's Catherine Crier, "it's important to look and see whether you would see any conflict or problem. That inquiry is made every time I'm asked to speak."

But deciding just what is a conflict is becoming harder to determine. "The murky area, the ones where I need to check are the ones where I get an invitation from a business group," says the Washington Post's David Broder. "We don't want to be involved with people who have too much of a stake in anything. For example, I'm doing a lot of stuff on health care so I would not speak to any group that's a major player in the health care thing."

Maybe not now, but what, for the sake of argument, if Broder had in the past? "In my work, you never know," says Broder, "that's why it pays to bend over backwards."

Disclosure is often mentioned as a solution. If the public sees Cokie Roberts on TV talking about health care and knows she took $20,000 from a group concerned with the issue, then it can decide what to believe.

But disclosure isn't an easy solution. Unlike members of Congress, who must disclose all sources of income annually and are prohibited from accepting honoraria, no similar mechanism exists for journalists. Many news organizations have internal disclosure policies but they often relate more to whom a reporter speaks.

"We don't want to treat our reporters like children," says U.S. News & World Report's Kathy Bushkin, who is the magazine's director of editorial administration. The policy there, like at many news organizations, is reporters can't speak to groups they cover; for other speeches, the need to discuss the circumstances with their editor.

Many other news organizations are now addressing the issue of honoraria. In light of the Donaldson disclosures, ABC is reconsidering its policy, which currently doesn't specifically cover the issue. So is NBC. So is Newsweek, which now doesn't require correspondents to seek prior permission to speak for money. The Wall Street Journal decided a few years ago to forbid honoraria from any for-profit organization; the Washington Post forbids honoraria that could be interpreted as "disguised gratuities."

Magazine journalists who cover Capitol Hill had the opportunity to disclose their honoraria earnings six years ago, but few were eager to do so. To obtain congressional press passes, magazine reporters must apply for credentials from the Periodical Press Gallery. They gallery is run by Congress, but a seven-member committee of journalists decides who gets credentials. In 1988, the committee voted to revamp its application and have reporters list the group and date—not the amount—for each speech.

"If they spoke the Tobacco Institute or some business organization, that would have to have been disclosed," recalls David Holmes, superintendent of the House Periodical Press Gallery. Previously, they could just list the speakers' bureaus that paid them and not name the groups they spoke to or list the fee.

Few liked the new idea. Later that year, when committee members stood for reelection, four were thrown out. "The first thing they did was return to the old form," which only requires listing the speakers' bureau, says Holmes.

The issue came up again recently, but the new committee was not so bold. While it brought it up at a March meeting, it decided only to restate and clarify the existing policy. The bottom line: It's still alright to list only the speakers' bureau. Even so, some journalists continue to leave the line blank or write only "speeches."

Attempts to encourage disclosure or limit honoraria to small, expenses-only fees are suggested by critics not to strip a working journalist of income but to safeguard the eroding credibility of the profession. In a 1991 AJR reader's poll, 68 percent said they believed journalists should disclose speaking fees. Other polls list journalists just above used car salesmen and politicians when it comes to public trust. Losing credibility will just make it more difficult—if not impossible—to do the job, critics say.

Says Lehrer, Anything that detracts from our credibility detracts from our being. Because without our credibility, we ain't got it. We're nowhere."

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Chair recognizes the Senator from Minnesota [Mr. WELLSTONE], for 10 minutes.

Mr. WELLSTONE. I thank the Chair.

CRIME BILL CONFERENCE

Mr. WELLSTONE. Mr. President, yesterday, I held a press conference with Representatives TORRICELLI, SCHROEDER, DELAURO, and MALONEY from the House. Our focus was on the conference committee dealing with the crime bill. What we spoke to was the stonewalling, I am proud to say, not by Senate conferees but by some House conferees, on some family antiviolence provisions which we believe are critically important.

Mr. President, I speak on the floor today to convey the following message to some of my colleagues in the House on this committee. It is so crystal clear that it is time for the Congress to take domestic violence in our Nation seriously, to understand that domestic violence is a crime, and to understand that it must be treated as such.

Mr. President, in November, the Senate approved, with the support of both Senator BIDEN and Senator HATCH, an amendment I introduced called the Domestic Violence Firearm Prevention Act. I wish to describe it for those who are listening.

It would, first of all, prohibit anyone who has been convicted for abusing a spouse or a child from owning or possessing a gun. It is very interesting, Mr. President, the National Rifle Association—and I am not on the floor, by the way, to attack the NRA at all—has said over and over again look for us for support in making sure that guns are not in the hands of people who have committed crimes.

That is really what this amendment says.

It would prohibit anyone who has a restraining order issued against them for owning or possessing a gun. Finally, it would prohibit anyone from

selling or giving a gun to someone they knew had been convicted of abusing a spouse or a child.

Mr. President, I have said it once. I have said it twice. I have said it 10 times. All too often the only difference between a battered woman and a dead woman is the presence of a gun. Let me repeat that. All too often the only difference between a battered woman and a dead woman is the presence of a gun. We are trying to get the guns out of the hands of those people who have been convicted of an act of violence within their families. It is a most reasonable amendment.

This amendment was severely weakened on the House side. Statistics, Mr. President: every 12 seconds in the United States of America—FBI statistics—a woman is battered; every 12 seconds. Over 4,000 women are killed each year at the hands of their abusers. Please remember, Mr. President, this is the most underreported crime in America. An estimated 150,000 incidents of domestic violence involve a weapon. The New England Journal of Medicine in a recent article pointed out that with the history of battering, if there is a gun in the house or in the home, that woman is five times more likely to be murdered.

The problem is this: We have some conferees on the House side who are saying, yes, if somebody has been convicted of a felony, then of course we would take a gun out of their hands. That is the law of the land. But domestic violence is a misdemeanor quite often. They are right. So if I or you or someone, God forbid, beat up our neighbor's wife, it would be a felony. If we beat up our own wife, it is a misdemeanor.

What happens in State after State after State, Mr. President, is that the charges that are brought against abusers are essentially limited and brought down to fifth-degree assault or misdemeanor charges. Even in those States which say domestic violence is indeed a felony, sometimes the standards are so strict, permanent physical impairment has to happen as a result of it, or there had to be a use of a weapon, or there have to be broken bones —what I am saying is the fact is we do not treat domestic violence seriously. We do not treat this violence against a spouse or a child as a felony. All too often we treat it as a misdemeanor, and therefore the perpetrators are able to continue to own a gun. Then what happens all too often, and it is tragic and it is unnecessary, is that a woman is no longer battered, she is dead.

We are just simply saying that under Federal law we have a list of circumstances where we say you cannot own a gun or a firearm if you have committed a felony, and we should include domestic violence within this category.

Mr. President, it is amazing to me that this stonewalling is taking place on the part of the House conferees. There is such a disconnect to the position that some of them are taking and what people in the country are saying. I did not argue that this particular amendment is a be-all or end-all. But I am telling you one more time, it clearly is an important step in making the home a little bit safer place. It clearly is reasonable. It clearly speaks to some of the violence that is taking place, not just in our streets but in our homes. To me it is absolutely outrageous.

I give Senator BIDEN—and I know we are going to have Senator HATCH with us because he is supporting this—great credit. But we have to have this provision passed as a part of this crime bill.

Mr. President, if we pass the Violence Against Women Act provisions that Senator BIDEN has done such a great job for years and years in speaking about as a part of the crime bill, and we pass some of the other family violence provisions, whether it be safe visitation centers, whether it be getting the guns out of the hands of those people who have committed an act of violence against a spouse or child, we will be sending a very, very powerful and positive message to women in this country. This is the message. This violence is not your fault. There will be support for you in your community, and perpetrators will be held accountable.

I hope that the stonewalling ends, and I hope this provision is not dropped late at night. I know that we have support from Senate conferees. Hopefully we will have support from the House conferees. I am convinced that, if the House conferees hear from the public in this country about this amendment—and I know there is overwhelming support for it—it will be passed. But that is probably the only way it is going to happen, and that is why I speak on the floor today.

I yield the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Marc Cummings, who is interning with me, be able to be on the floor today with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. McCONNELL. Mr. President, I withdraw the pending amendment No. 2103.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 or 6 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized for 5 or 6 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2247 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I want Members to understand where we are.

Mr. President, I yield to the Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, the Senate now finds itself in an all too familiar position. The bill now pending has been on the calendar since June 16, approximately 2 weeks. On last week, I announced my intention to proceed to the bill following the disposition of the product liability bill. I did so.

We have been advised there are a number of amendments to be offered by Senators, and yet although we have been on the bill now for a few hours we have been unable to dispose of any amendment.

I encourage Senators who have amendments to come to the Senate

floor and offer them so we can begin debating and voting and making progress on this bill.

I understand that earlier an amendment was offered with respect to Bosnia, and then withdrawn. As we all know a Bosnia amendment is pending on the Department of Defense authorization bill, which has been set aside to go to this bill.

It is my intention to resume consideration of and complete action on the Department of Defense authorization bill this week, including the Bosnia amendment. However, if Senators wish to debate it on this bill, that is perfectly agreeable to me. We are prepared for debate, and vote on a Bosnia amendment today or tomorrow or Friday. We were prepared to vote on it last Friday when it was debated, but we were not able to gain agreement to proceed to a vote.

So, I merely wish to state to Senators that because we were unable to transact any business last Friday, we created more pressure on the days remaining this week. The longer we go today without transacting any business, the more pressure it creates on the remainder of this week.

I announced last week that we would complete action on five matters before we leave for the Fourth of July recess. Those were a certain nomination, the product liability bill, the foreign operations appropriations bill, the energy appropriations bill, and the Department of Defense authorization bill.

We have now completed action on two of them. The nomination has been completed and the product liability is completed, and I commend Senators for their actions to enable us to complete those measures. Now there remain three, including the pending bill. I want to repeat, it is my intention to complete action on these measures before we go into recess, and the longer we delay, as we did last Friday, as we are unfortunately doing now, without any action, that means the later we have to stay in session this evening, tomorrow evening, Friday, or Saturday if necessary.

So I encourage Senators who intend to offer amendments to come to the Senate floor to do so, to permit them to be debated and voted on.

I want to say, with respect to Bosnia, that we are prepared to proceed to it today, tomorrow, or Friday, at any time, with a time agreement to get votes on the matter, as I have previously indicated I am prepared to do.

Mr. President, I thank my colleague. I hope that he and the distinguished ranking member will soon be able to receive and debate and have amendments considered and voted on.

Mr. LEAHY. Mr. President, if the Senator from Maine, the distinguished majority leader, will yield, I note also for the RECORD, so there will be no confusion—after the distinguished leader, having indicating our schedule, a schedule with which I agree and I hope to have completed before we go out—I have discussed with the distinguished ranking member and others this bill, which has been on the calendar for some time.

As the Senator from Maine has already noted, and I repeated to him what I have been told, we would have, I forget the exact number now, either 38 or 48 possible amendments raised to it.

I note that this is a bill, the foreign operations bill, which has over the years often attracted enormous numbers of amendments. We can do one or two things. We could say there is going to be amendments, and let us not go forward, never; or vote them up or vote them down. I am a strong believer in the Senate to work its will and vote things up or down.

But I note that with this, DOD, and others, obviously we have, as Senators, the responsibility to move forward with this legislation, all of it, because we have a relatively short time after the Fourth of July break before we take the normal break that we do in an election year so Members are able to go back home and face the voters. And then we are into September and the end of the fiscal year. The appropriations bills have to go through and they have gone through the other body, or they would not be here. They have to then go through this body. Then they have to go through conference and come back. And, as the distinguished leader knows, the conference reports themselves sometimes become contested.

I do not know how you would do it otherwise. I would love to be able to bring up this bill and an hour later have completed it. It has been made clear we cannot do that.

But I urge Senators on both sides of the aisle, if they have amendments, to come forward. I am prepared to stay here. I am prepared to stay here all night, if that is what the desire of the majority leader is. I have done this on occasion in the past on bills, and I am happy to do it now.

I also note, as I discussed with my colleagues on the floor earlier, that while I have made no plans to travel on Saturday, because I know, if this takes an inordinate amount of time, then we still have DOD and the other matters the leader has suggested, all of which has to be done—I think he is absolutely right in saying they have to be done. I do not want to forestall anybody's opportunity to bring forward an amendment, but I hope that we can get going relatively soon and move the amendments—we have yet to even adopt the committee amendment, as we normally do—and go forward.

We have major issues in here. The Camp David countries—at a time when the Middle East peace agreement is at about its most critical—are held up in here. One of the reasons I want to get through this is, I know if we do not do it this week, we are running the risk, in the foreign operations bill, as we get into the press of the other things, to see it as part of the continuing resolution, which leaves it in doubt until sometime in October, at a time when at least the Middle East peace agreement is in a very tenuous situation, when we would be given a chance to say exactly what we are going to do.

NIS, the Director of the FBI, Director Freeh, is there now or about to be there. One of the things I will offer, on behalf of myself and Senator MCCONNELL, and Senator D'AMATO will join with him on, would be an amendment for money for law enforcement aid in the former Soviet Union. Director Freeh should be able to be in a position to point this action out, because of the help we want to give the tenuous, almost disastrous law enforcement situation, especially in Russia.

I could go on—I am not going to go on, but I could go on to hundreds of others—Camp David, Middle East peace accord, NIS, and others. So I hope that we could go forward so we could start conferencing this even possibly during the week's recess next week, and then go on so that in August we could get it passed and signed into law.

So I thank the distinguished Senator from Maine, the majority leader, for stating the record.

Let me say, Mr. President, I have noted that we have everything here, from humanitarian aid to matters of significant foreign policy issues, and we ought to be working on them.

I do not think that most Senators of either party want to stop a major part of our foreign policy by holding up this bill. I doubt that Senators want, either intentionally or inadvertently, to interfere with the Middle East peace process. I doubt if Senators, intentionally or inadvertently, want to do anything to hamstring our efforts to bring about or to help bring about democracy and a market economy in Russia and other parts of the former Soviet Union.

But I suggest to my colleagues on both sides of the aisle that delaying a bill, which ultimately has to pass, does all those things, because we ought to pass it. Either we pass it now or we run the very real risk of passing a continuing resolution in October.

Now, a number of Senators have expressed interest in particular things—law enforcement, aid for Russia, specific aspects and specific earmarks in the Middle East, and specific countries mentioned in the former Soviet Union, environmental issues, population issues, and others.

These are defined in this piece of legislation. In a continuing resolution, none of them will be defined. In fact, a number of these things that are new initiatives would not be reflected.

If we do not go forward on this, we are going to be going by the House-passed bill which does not have the items asked for by individual Senators. And I can tell my colleagues that I would not feel inclined at all, if we were to lose our chance to move forward on this bill, to try to ask the House to put in a continuing resolution help for these specific items. In fact, I would be just happy to say, "Well, look. We will just come back to it in January and see what we can put together."

So nobody should ignore the fact that the majority leader, with the minority leader, standing here on the floor last week laid out exactly what the program was going to be, which bills had to be passed. I do not recall any Senator, Republican or Democrat, standing up saying they objected to that program.

Certainly the ranking member has been very forthright and very honest, as he always has been with me, in stating that if this came up this week there would be a large number of amendments. He did not have to tell me that. In his usual fashion, candor and honesty, he did tell me exactly what was going to happen there and that has been relayed to the leadership on this side, as I suspect it has been to the leadership on the other side.

But the fact remains the distinguished Senator from Maine, the majority leader, said: We are going to bring this up and dispose of it; we are going to bring up, as we just have, the cloture motions on product liability; we are going to bring up DOD—I forget the list—but all of these things. Every single Member of this body, all 100 of us, knew they were going to be brought up, knew they were going to be disposed of one way or the other.

If Senators do not like the foreign operations bill, that is very simple. At some point we go to third reading and then they can vote aye or nay. If they do not like the bill, they can vote it down. It is very simple to do. If there is any amendment in there they do not like, vote it down.

On the other hand, if there is an amendment to be brought up on either the Republican side or Democratic side, if Senators like them, vote for them. If they do not like them, vote against them. Whatever it is, we will have a final bill with amendments that are either adopted or not adopted, and that is the bill I will bring to conference.

So, as I said, I plan to be here late into the evening. It will give me a chance to get caught up on my mail. I have canceled all plans to travel on Saturday because I suspect we will probably be doing DOD on Saturday as a result of delays on this. I hope I can still travel on Sunday. But I just reread the Adjournment Resolution. I understand we can go through Sunday, too. I will not cancel Sunday yet, Mr. President. I will keep Sunday on hold. But Saturday I have canceled.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WOFFORD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, for those other Members of the Senate—I realize there is virtually nobody else on the floor—and the others who must be riveted—riveted—to their TV monitors to hear what is said, I urge Senators with amendments to this bill to come forth and bring their amendments in.

I hope that we might finish this thing by midnight or so tonight, if at all possible. But, again, I will remind Senators that after this bill, there are a couple of other appropriations bills coming up, plus DOD. For some who would like to be home for the Fourth of July recess before the 4th, which is on Monday, the adjournment resolution allows us to stay here until midnight Sunday, as I recall.

So I would not want this to be the reason we are still in Saturday. We have other bills to consider.

I will also note, Mr. President, what this bill is and what it is not. This is not a foreign aid authorization bill. It is an appropriations bill, determining exactly how we spend about $14 billion of the American taxpayers' money.

There are some who wish to have policy debates on Bosnia or Haiti, I suppose North Korea, or other places.

Now, a good, strong, realistic debate in the Senate on Bosnia, on Haiti, on North Korea, I think, could do the country good. I would like to see a real debate on what our whole foreign policy, especially as it relates to foreign aid and as it relates to the use of our military forces, what that policy should be in a post-cold-war period. We have not really had that debate. We did not have it in the last administration after the end of the cold war, and we certainly have not had it in this administration.

So I would like to see such a debate. I think that there would be some clear-cut results in such a debate that could be helpful to President Clinton and to his administration. Certainly it could be helpful to the country because I find as I travel in my own State of Vermont, as I do many times a month, or as I travel in other parts of the country, the people want to hear such a debate. They would like to know just what is going to be our foreign policy in the post-cold-war period.

But having said that, this bill is designed to determine exactly how we spend certain amounts of our money in carrying out foreign policy objectives. The objectives are assumed to have been set. We have to determine how much money will be used in carrying them out.

Now, we have in here, for example, money to aid the former Soviet Union. It is a very small amount of money considering what the needs are there. Nobody expects the United States to carry out a Marshall plan for the former Soviet Union. We do not have the resources and certainly we do not have the political will to do such even if the argument could be made that it would be wise for us to do it.

What we can do is join with some of the other Western nations in helping—let me just take Russia as one example, as one of the parts of the former Soviet Union—in helping Russia put together a banking system, in helping them put together a commercial code.

I have talked to business people in Moscow who worry about the inability to enter into contracts. And I say, you mean you want to be able to enter into a contract in Moscow that could be enforced in St. Petersburg? They said, no, we would like to be able to enter into a contract in Moscow that could be enforced in Moscow.

Before they can make the kind of investments the West needs in the private enterprise system in Russia, they have got to be able to have a real banking system and a real commercial code. We have money in this bill to help with setting it up. We have exchange programs. We have ways to help some of our own experts go over, not to ask Russia to be a clone of the United States, which it never will be, nor do we want that, not to have Moscow be a clone of New York, but to say, here is what we found has worked and here is what we found has not worked, and now try it, because, as I mentioned to the Prime Minister of Russia and have said to others, if they do not put their economic house in order, their legal house in order, commercial code, banking system and all, there is no way they can expect the West, the United States, Germany, the European Community, and so on, to invest in Russia.

Just think for a moment, Mr. President. Suppose you were the CEO of a large corporation in the United States, an international or multinational corporation, and you were looking where you might invest $100 million to $500 million in building a new plant, developing a new market, and you were faced with the question, would you invest it in Russia or would you invest it in South Africa?

Now, assuming the stability that we have seen so far with the new South African Government continues, your safer bet is going to be South Africa. They have a banking system. They have a commercial code, a free enterprise system, a middle class. They have

a huge hitherto disenfranchised majority which is now becoming enfranchised and which will, through education, work, and whatnot, have a chance to become a market themselves, with, of course, vast resources.

Frankly, that CEO is going to look first to South Africa, and they are going to continue to look far more there or other parts of the world, they are going to look to Asia, the Pacific rim, and so on, before they would look to Russia or the Ukraine or Georgia or others because of what they see as an inability to carry out basic commercial transactions. For example, you start a company and fund it, it is actually starting to work, and somebody arbitrarily adds on a 25- or 30-percent tax that they had not expected, or whatever it might be. Crime has got to come under it. Senator MCCONNELL, Senator D'AMATO, and I and others will put into this bill, if we are able to pass it, money to help fight crime.

I remember 20 years ago walking around the streets of Moscow at 3 o'clock in the morning feeling perfectly safe. I expect probably at that time of the cold war, being tailed by the KGB, that I would have to be. But you do not have that sense of safety there today.

I believe it was one of our national newspapers that told the story of a car, an expensive car, expensive, imported car pulling up in front of a street-level office. Several gunmen jumped out of this car and started firing machineguns into the lobby of the business until, according to the story, one of the secretaries opened a filing drawer, pulled out a hand grenade and rolled the hand grenade under the car, which changed the odds somewhat and, as in a sporting event, gave the advantage to the other side.

Now, first off, just the idea of this taking place in a busy, main part of Moscow is mind-boggling, but then you have to stop to think what kind of business do they have that in the filing drawers they keep hand grenades. Do they file it under "B" for boom, "D" for defense, "O" for offense, "G" for grenades, "E" for explosives? We may have a new secretarial school that is going to have to start there. But these are the things that we can help with.

What is the advantage to us? The advantage to us, the United States and the West, are immeasurable. We are talking about a very small amount of investment if we can have it done right. We help the economy grow there. We then have new markets. That creates jobs in the United States. We can use our money to leverage it with the IMF, the World Bank, and others to help.

But one of the biggest advantages, not only to our economic security, but think of a nation with thousands and thousands of nuclear warheads, a nation that has been totalitarian and our greatest potential enemy in the world becoming now a democratic nation, joining with us in NATO and other international organizations, with these warheads no longer aimed to us, is the ability on both sides, the United States and the former Soviet Union, to start dismantling these nuclear weapons. This is just one of the advantages.

It is not all going to happen if we pass this bill. Of course not. But it allows the United States, as leader of the free world, as the greatest democracy in the world, the most powerful Nation on Earth, to give the kind of leadership that we need.

It is my impression as I travel around the world from leader after leader, they want the United States to lead the post-cold war period. "We want the United States to give leadership with your history of democracy and your ability to give the example. We want you to lead." As a United States Senator, as an American, as someone from Vermont, I want us with our great history of democracy to be that leader in the rest of the world.

So it is just one of the many things in here. Look at the tremendous risks, as I mentioned earlier this morning, taken in the Middle East, in Israel, and among leadership of the Palestinian people. These risks are going to be for naught unless we are able to step in and help. And I daresay that no country in the world is prepared to help to the extent the United States is. I think the United States should be proud of that. Because in an area that has festered with hatred, violence and murder, and turmoil for so long, the United States has the ability to help them finally be able to fulfill a promise to a new generation—to grow up without the animosities of parents and forebears—to grow up in peace.

I see the distinguished Senator from New Jersey on the floor. If he is seeking recognition, I will be happy to yield.

Mr. LAUTENBERG. I thank the manager of the bill. I agree with the points that he is making.

Mr. President, if I may be recognized.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I agree with the distinguished Senator from Vermont, as he reviews the obligation that we have under our appropriations bill on foreign operations.

He has been a leader in this area for many, many years, and has a unique ability to fashion a bill to take care of America's interests wherever they may be within ever-shrinking parameters. They call Senator LEAHY a magician of sorts because he seems to be able to accomplish all that we need to do with ever more pressure.

I commend him for his leadership in this regard, as well as in his other duties in the U.S. Senate.

So I thank my colleague and friend from Vermont for yielding the floor.

AMENDMENT NO. 2104 TO COMMITTEE AMENDMENT ON PAGE 21, LINE 12

(Purpose: To urge the renegotiation of prisoner transfer treaties in order to relieve overcrowding in Federal and State prisons)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk in behalf of Mrs. FEINSTEIN, Mr. GRAHAM, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from New Jersey that the pending question is the first committee amendment. Is the Senator intending to amend that amendment?

Mr. LAUTENBERG. I ask that we amend the committee amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mrs. FEINSTEIN, and Mr. GRAHAM, proposes an amendment numbered 2104.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the approriate place in the amendment, insert the following:

PRISONER TRANSFERS

SEC. . (a) SHORT TITLE.—This section may be cited as the "Prisoner Transfer Equity Act".

(b) PURPOSE.—The purpose of this section is to relieve overcrowding in Federal and State prisons by providing for the transfer of criminal aliens convicted of crimes in the United States back to their native countries to serve the balance of their sentences.

(c) FINDINGS.—The Congress makes the following findings:

(1) The cost of incarcerating an illegal alien in a Federal or State prison can cost as much as $25,000 per year.

(2) There are approximately 46,000 convicted criminal aliens serving in American prisons, including 25,000 convicted criminal aliens serving in State prisons and 21,000 convicted criminal aliens serving in Federal prisons.

(3) Many of these convicted criminal aliens are also illegal aliens, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of convicted criminal aliens is approximately $1,200,000—

(5) There are approximately 2,500 American citizens serving in prisons outside the United States.

(6) The United States has entered into over 25 prisoner exchange treaties. Since 1977, under these treaties, the United States sent approximately 1,200 prisoners to other counties but has received approximately 1,400 prisoners that it had to imprison. This has added to United States prison overcrowding.

(d) PRISONER TRANSFER TREATIES.—No later than 90 days after the date of enactment of this Act, the President should begin to negotiate prisoner transfer treaties, or renegotiate existing prisoner transfer treaties, with countries that currently have more

prisoners in United States prisons than there are United States citizen in their prisons, to carry out the purpose of this Act. The focus of these negotiations should be on the transfer of illegal aliens who are serving in United States prisons.

(e) REPORT; WITHHOLDING OF ASSISTANCE.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and not later than March 30 each year thereafter, the President shall submit a report to Congress on the progress of negotiations undertaken under subsection (d) since the date of enactment of this Act or the date of submission of the last report, as the case may be.

(2) WITHHOLDING OF ASSISTANCE.—Whenever—

(A) a report submitted under paragraph (1) indicates that no progress has been made in negotiations under subsection (d) with a foreign country, and

(B) the United States continues to maintain a surplus of prisoners who are nationals of that country, then, for the remainder of the fiscal year, and each fiscal year thereafter until progress is reported under subsection (a), not less than one percent or more than 10 percent of United States bilateral assistance allocated for that country (but for this provision) shall be withheld from obligation and expenditure for the country.

(3) DEFINITION.—As used in this section, the term "United States bilateral assistance" means—

(A) assistance under the Foreign Assistance Act of 1961 other than assistance provided through international organizations or other multilateral arrangements; and

(B) sales and sales financing under the Arms Export Control Act.

(f) WAIVER AUTHORITY.—The President may waive the application of subsection (e)(2) if such an application would jeopardize relationships between the United States and a foreign country that the President determines to be in the national interest. Whenever the President exercises the waiver authority of this section, the President shall submit a statement in writing to Congress setting forth the justification for the exercise of the waiver.

(g) DIPLOMATIC EFFORTS.—For each country that does not receive United States assistance for which the conditions of subsections (e)(2)(A) and (e)(2)(B) apply, the President should use such diplomatic offices and powers as may be necessary to make progress in negotiating or renegotiating a prisoner transfer treaty.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect the existing immigration, refugee, political asylum laws of the United States nor any Federal, State or local criminal laws.

Mr. LAUTENBERG. Mr. President, one of the principal concerns of people throughout our country is how they deal with the ever-mounting problem of crime. How we deal with it depends very much on the facilities as well as the structure of our law enforcement process. By facilities, we are talking about courthouses, we are talking about jails, we are talking about equipment, police cars—all of the things that we need in a structure like ours to make certain that we catch the lawbreakers, and deal with them quickly and significantly.

We have a crime bill that has been under consideration for some time now. It is being negotiated in its final form between the House and the Senate. We expect that one day, hopefully in the not-too-distant future, we will have a crime bill that we can move through, get to the President's desk because the President is resolved to deliver a crime bill. It is a pledge that he has made. It is one that he has fought very hard to get through the process.

A significant part of that crime bill is to expand the number of jail cells, so that when someone is arrested for a crime they can be dealt with quickly, and have the sentences be realistic. I am a strong supporter of truth in sentencing, which means that if someone gets a jail sentence that they have to serve a significant portion of that. Eighty-five percent is kind of the rule on truth in sentencing.

That will enable States to use Federal cells that will be built under the crime bill. We are talking about something in excess of $3 billion worth of jail cells to be built across this country. They are desperately needed so that those out there who are either criminals or would-be criminals know very well that if they commit a crime, they will get caught; and, if they get caught, they are going away.

Right now, they do not go away. They get a sentence in many cases, and are turned back out in the street. I know in my own State we just do not have the capacity to house all of those who are convicted of crime.

So that brings me to the amendment, Mr. President, that I am offering to the foreign operations bill. That is to make certain that the thousands of criminal, undocumented aliens who serve time in our State and Federal prisons, and contribute to prison overcrowding which costs the American taxpayers approximately $1.2 billion each and every year, are sent back, or at least we try to send them back to the countries from whence they came. These criminal, illegal aliens have committed two strikes against us.

They have broken our immigration laws in coming here and, once here, have been convicted of crimes against people and institutions in our society. We ought to send back criminal illegal aliens in our prisons to their native countries to serve out their sentences. It is my hope that the amendment we are offering today will begin this process.

This amendment is based on legislation I introduced earlier this year called the Prisoner Transfer Equity Act. I am pleased to be joined by Senator FEINSTEIN and Senator GRAHAM in this effort, and I am told Senator FEINSTEIN will be including her remarks at a later time.

This amendment will direct the President to renegotiate existing prisoner transfer treaties and enter into new treaties to have countries take back the greater numbers of criminal illegal aliens currently serving time in our Federal and State prisons. When I say "greater," I am talking about those who are in our prisons in excess of an exchange for the Americans who are prisoners in those countries. While we have treaties with over 25 countries to do this, they are, unfortunately, not working.

This amendment gives the President and Secretary of State a stick to increase the flow of criminal illegal aliens back to their native countries. It requires the President to withhold up to 10 percent of a country's foreign aid if they do not make progress toward taking back more of their criminal illegal aliens. If the country does not receive foreign assistance and there is nothing therefore to withhold, the President is authorized to use other approaches like trade sanctions.

I want to be clear about one thing. The problem that we are confronting is not legal immigration. Those people who come here with a visa and with various types of permits are more than welcome. That is what has built America. It is the merging of the various cultures and ethnicities that has built the strength and energy this country has and has made us the strongest Nation in the world. I am the son of immigrants, and I know first hand that immigrants have helped to make this country great. The problem is what to do with illegal aliens who have committed crimes in our country and are serving time in our Federal and State prisons.

Once again, the first crime is that they are here illegally. Their second crime is that they have committed illegal acts, often violent acts. But punishing them costs us—the U.S. taxpayers—approximately $1.2 billion a year. Why should these people be jailed here rather than in their own country where their fellow citizens will be picking up the tab? Maybe it is easier to deal with being in prison in the United States than it is in their own country. In my own State, for instance, there is a fellow who is guarded constantly by two, three, or four guards because he is so violent that he has to be watched with every move he makes. If he goes out to the yard for recreation, the yard has to be cleared of other prisoners, and he has to have a couple of guards standing right alongside him all the time. But when we threaten to send him back to his country of origin, he quakes at the thought. Well, too bad. He should not have committed the crime here in the first place.

Nationwide, there are 58,000 convicted criminal aliens in our prisons; 21,000 are in Federal prisons, and 37,000 in State prisons. Not all of these prisoners are here illegally. Those who are here legally are entitled to the same due process as anyone else. But many of these convicted criminal aliens are illegal and should have been deported in the first place, particularly if they

have committed a crime here. However, we do not have precise data on exactly how many of these people are illegal. What we have to do is get that kind of information squarely in front of us and focus on sending criminal illegal aliens back to their native countries.

While we look at this, we recognize that there are about 2,500 Americans serving time in foreign prisons. This surplus of prisoners is not only a burden on the Federal system, but the State system as well. For example, in the State of New Jersey, where we have approximately 500 convicts who are believed to be principally criminal aliens, it would cost us $35 million as a one-time cost to build a facility large enough to hold these people, and it would cost $12 million a year in operational costs to guard them and incarcerate them.

Since 1977, the United States has entered into prison transfer treaties with over 25 countries. These treaties were designed not only to bring American citizens back here to serve out their time if they are criminals, but also to transfer criminal illegal aliens out of our prisons. These treaties have not solved our problems. Since 1977, the United States has transferred approximately 1,200 prisoners back to their native countries. But, at the same time, we took back 1,400 Americans serving time in foreign prisons. So this has only added to our problem of prisoner overcrowding.

Recently, Attorney General Reno announced that the Mexican Government has agreed to take back 53 of its citizens to serve out their sentences. I commend the Attorney General for her efforts, and the Mexican Government. However, this is just a drop in the bucket. The amendment that we are offering should increase the number of criminal illegal aliens going back to their native countries by using the power of the purse—foreign aid—as a negotiating tool. What we are saying is not that this foreign aid should be simply taken away, but rather put into reserve or an escrow fund, and when these countries comply then, of course, these funds will be released.

It is not fair to ask the taxpayers to bear the total cost of jailing criminal illegal aliens who have twice broken our laws—once by entering or staying in our country illegally, and again by breaking our laws.

Mr. President, if, in fact, the roughly 58,000 prisoners who are believed to be principally illegal aliens were to be sent back to their countries, it would release a lot of space available for use in pursuing our own course of justice; 58,000 jail cells and beds is an awful lot of beds, and we ought not to have to spend more money than we ordinarily would if we can free up those beds.

So, Mr. President, I think this amendment is—to use the vernacular—a win-win situation. I think it is appropriate to introduce it here at this time, and I know that the managers have reviewed the amendment.

I hope they will support its adoption.

Mrs. FEINSTEIN. Mr. President, Americans know about trade deficits, but what they do not know about is another deficit—a prisoner deficit. The United States imports more foreign prisoners than we export, creating a tremendous burden on the criminal justice system and on the taxpayers.

To address this problem, on June 9, I joined Senators LAUTENBERG and GRAHAM to introduce the Prisoner Transfer Equity Act. This bill, which we are submitting as an amendment to the foreign operations appropriations bill today, uses the power of the purse to engage foreign nations in balancing the prisoner equation.

Currently, there are approximately 58,000 convicted criminal aliens in Federal and State prisons, a number of whom are illegal aliens. These prisoners can fill almost 20 San Quentins. At the same time, there are some 2,500 American prisoners in foreign prisons. The total cost to the taxpayer is approximately $1.2 billion.

It is not certain how many of these prisoners are illegal aliens, however California estimates that there are currently 13,000 to 15,000 criminal illegal aliens in State prisons and that there will be 18,000 over the next year at a cost of over $375 million. These inmates have not only broken our laws by entering the United States illegally, they have also committed felonies while they are here.

Since 1977, the United States has entered into prisoner transfer treaties with 30 nations which allow prisoners to return to their home country prisons to carry out the remainder of their prison terms. However, since that time, approximately 1,200 prisoners have been transferred from U.S. prisons to their home country prisons and approximately 1,400 American prisoners have been transferred back to U.S. prisons.

Indeed, I would like to recognize the fact that, since last fall, the Attorney General has made concerted efforts to expedite prisoner transfers. As a result, a total of 222 Mexican prisoners have been transferred to Mexican prisons, just since last December.

However, much more can be done.

The bill which I introduced June 15, the Immigration Control and Enforcement Act of 1994, which builds on the legislation I introduced last fall, authorizes the Secretary of State and the Attorney General to enter into agreements with foreign nations for the involuntary transfer of the deportable criminal illegal aliens.

The amendment to the foreign operations appropriations bill that I submit today with Senators LAUTENBERG and GRAHAM takes a significant additional step to address the large number of criminal illegal aliens in U.S. prisons. This amendment directs the President to negotiate or renegotiate prisoner transfer treaties, and it gives the President a powerful tool to use when negotiating and renegotiating these treaties with other countries.

If countries won't negotiate with the United States to improve the prisoner transfer treaties and increase the number of prisoner transfers, the President will have the option to withhold up to 10 percent of a country's foreign aid we provide to them or to use other diplomatic powers—including trade sanctions—until a country does make progress in treaty negotiations.

The broad principal on which the bill is based is very simple. The Prisoner Transfer Equity Act will help alleviate the burden placed on the United States to incarcerate persons who enter this country illegally and are subsequently convicted of crimes. The failure to pass legislation of this kind will only add to the financial and physical burdens placed on our Nation at a time when we can least afford it.

Mr. SASSER. Mr. President, I am pleased to join with the Senator from New Jersey in offering this amendment to H.R. 4426, the foreign operations appropriations bill.

It gives the President and the Secretary of State important new tools to encourage other countries to take back their citizens.

This amendment contains the provisions of S. 2175, the Prisoner Transfer Equity Act. It requires the President to withhold up to 10 percent of a country's foreign aid if they do not make progress towards taking back more of their citizens who are criminal illegal aliens in U.S. prisons.

If a country does not receive foreign aid, the President may use certain other approaches, such as trade sanctions.

The United States currently has prisoner transfer treaties with over 25 countries. It is clear, however, that these treaties have not solved the problem.

Since 1977, when we began negotiating these treaties, other countries have taken back only 1,200 of their own citizens. During that same time, however, the United States took back a larger number of our own citizens—some 1,400.

There are estimated to be some 53,000 convicted illegal aliens in U.S. prisons being fed and housed at taxpayers' expense. They have already broken our laws twice—first by coming here illegally and then by committing a crime while here. They are eating up scarce tax dollars and they are taking up prison space that could be used to house our own criminals.

When we passed the crime bill last year, we heard all sorts of proposals for increasing prison space. Many of them

were good proposals. Well, here's a way to increase prison space without building a single new prison and at virtually no cost to the taxpayer.

These illegal criminal aliens cost the American taxpayer some $723 million a year. It's time to send these criminals back to their own country and let the taxpayers of those countries support them.

Mr. President, I commend the Senator from New Jersey for offering this legislation and I join him in thanking the managers of the bill for accepting this amendment.

Mr. LEAHY. Mr. President, I understand the very serious problem that the Senator from New Jersey and the Senator from California raise in their amendment. As I have told them before, I have some problems about withholding U.S. bilateral assistance from countries that do not cooperate in prisoner exchange and treaty negotiations, and I think that their amendment is improved by the provision to hold this money basically in escrow for these countries.

I worry that if you have some of these countries we are talking about when they are asked to take back these prisoners that we are now housing and paying for, or you forego money for child nutrition or AIDS prevention or whatever, some of them frankly are the most vulnerable in the society that we cut off first.

I am perfectly willing to accept this amendment because I know the very serious problem that the Senator from New Jersey speaks of. As a matter of fact, I can easily understand the frustrations of the taxpayers in these various States that have to pay for the jailing and housing of these people when they should be going back to their own country.

So I will not object to accepting this amendment. I would suggest that prior to now and the time in conference that the Senator from New Jersey and the Senator from California and I may want to look at the possibility of refining it even further.

I cannot imagine a Senator in this body disagreeing with trying to find some way to get these countries to take these people back, as they should. So this is a step toward working that out. I am willing to accept the amendment, but I would note the reservations as I have, and this may be something we should continue to work on.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am informed there is one Senator on this side who would like to take a look at the amendment before we can clear it. Maybe the Senator from New Jersey would like to temporarily lay it aside or put in a quorum call or whatever.

Mr. LEAHY. Could I ask this—waiting for that—if we might just temporarily set this aside and I will assure the Senator from New Jersey we will protect his rights on this so we can probably move on to some technical amendments that have been cleared.

Mr. LAUTENBERG. Mr. President, I have no problem with doing that, and having the assurance of the manager that we will come back to it after there has been a review. I would be happy to answer any questions related to it.

I thank the managers and will await word and hope we will be able to get it done sooner rather than later.

Mr. LEAHY. I ask unanimous consent that the pending amendment by the Senator from New Jersey and the Senator from California be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2105 TO FIRST COMMITTEE AMENDMENT

(Purpose: To delete Malawi from the list of countries for which FMF is prohibited)

AMENDMENT NO. 2106 TO FIRST COMMITTEE AMENDMENT

(Purpose: To make a technical correction to the bill)

AMENDMENT NO. 2107 TO FIRST COMMITTEE AMENDMENT

(Purpose: To make a technical correction to the bill)

AMENDMENT NO. 2108 TO FIRST COMMITTEE AMENDMENT

(Purpose: To include military training in the drawdown to assist Bosnia authorized by section 546 of the bill)

Mr. LEAHY. Mr. President, I ask that be in order to send to the desk a group of amendments en bloc as amendments to the pending committee amendment.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments en bloc numbered 2105, 2106, 2107, and 2108 to the first committee amendment.

The amendments (Nos. 2105, 2106, 2107, and 2108) are as follows:

AMENDMENT NO. 2105

On page 34, line 11 of the Committee reported bill, linetype *"Peru, and Malawi"* and insert immediately thereafter: *"and Peru"*

AMENDMENT NO. 2106

On page 6, line 13 of the Committee reported bill, linetype *"during fiscal year"* through *"600"* on line 15 and insert immediately thereafter: *"of the amount appropriated under this heading not more than $7,002,000 may be expended for the purchase of such stock in fiscal year 1995"*

AMENDMENT NO. 2107

On page 59, line 19 of the Committee reported bill, after the word *"ceiling"* insert: *"established pursuant to any provision of law or regulation"*

AMENDMENT NO. 2108

On page 79, line 13 of the Committee reported bill, after the word *"Defense"* insert: *"and defense services of the Department of Defense"*

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask the chairman, are these the technical amendments that we have cleared on both sides?

Mr. LEAHY. Yes, they are.

Mr. President, I ask further unanimous consent that these be in order en bloc to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are considered and agreed to en bloc if there is no objection.

So the amendments (Nos. 2105, 2106, 2107, and 2108) were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2109

(Purpose: To extend the authority for the donation of surplus agricultural commodities to Poland, and for other purposes)

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to submit an amendment on behalf of the Senator from Maryland [Ms. MIKULSKI] to the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Ms. MIKULSKI, proposes an amendment numbered 2109.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND.

(a) EXTENSION OF AUTHORIZATION.—Section 2223(a) of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note) is amended by striking "1988 through 1992" and inserting "1995 through 1999".

(b) DEFINITION OF ELIGIBLE COMMODITIES.—Section 2223(b)(1) of that Act is amended by inserting ", soybeans, and soybean products" after "feed grains".

(c) ELIGIBLE ACTIVITIES.—Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii) is amended in the third sentence—

(1) by striking "and" at the end of subclause (II);

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

Ms. MIKULSKI. Mr. President, I rise today to submit an amendment to reauthorize the donation of surplus agricultural commodities to Poland for an

additional 5 years. The donated commodities are sold by the Joint Commission for Humanitarian Assistance to Poland, which then uses the proceeds to promote development in the Polish private sector and to help the people of Poland help themselves.

Mr. President, I am very proud to say that I was one of the original sponsors of the legislation creating this program, and that I have strongly supported the activities of the Joint Commission since its creation in 1988. Since that time, the Joint Commission has built an impressive record of fiscal responsibility, good will, and success in bringing about free market reforms in Poland.

It is no accident that over the same period, Poland has outperformed all other Eastern European economies and has moved significantly toward becoming a truly free economy. Great credit for this achievement must go to the Polish people themselves, but let us also credit institutions such as the Joint Commission, which have provided the stimulus for free market reforms.

Mr. President, the Joint Commission for Humanitarian Assistance to Poland is one of our great foreign aid success stories. Its record is one of purposeful, focused action. It functions as a means to build stable government, church, and nongovernmental agency partnerships. Under its initial authorization, the Commission contributed to improved Polish agricultural productivity. It has helped institute free-market reforms; established cultural and educational programs; and it has financed modern health care activities and orphanages in Poland. In short, Mr. President, the projects supported by the Joint Commission have improved the lives of hundreds of thousands of people in Poland and given them hope for a better life.

The Joint Commission is serving as a model for successful grassroots international cooperation. Our American Embassy personnel in Warsaw, their counterparts in the Polish Ministries of Agriculture, Health, and Labor along with several nongovernmental agencies like Project Judaica, Project Hope, and the Catholic Church in Poland have all assisted in making this effort work so well. The Joint Commission's success is being used as the model for similar cooperative programs in Russia, Ukraine, Belarus, and the other emerging democracies of the region.

Here are a few examples of projects the Joint Commission has funded:

A research center on Jewish history and culture in Poland under the auspices of Project Judaica;

A rehabilitation center for disabled children under the auspices of the Polish Catholic Episcopate;

A clinic and shelter for HIV-infected children and their mothers;

A privately owned drying house and storage plant to preserve produce for sale in the off-season market;

Financing of startup costs for an agro-business magazine, which has since become self-sufficient through advertising revenue; and

Privately owned packing plants, poultry processing plants, dairies, grain mills, feed mills, and honey and herb processing plants.

Additionally, profitmaking recipients of Joint Commission grants must reinvest a portion of their profits in infrastructure, ecological, or humanitarian projects. In this way, the impact of Joint Commission funding is multiplied.

In view of the past success of this program, I deeply believe that this worthy organization must be allowed to continue its important work. I am confident that when my Senate colleagues have considered the great benefits resulting from the innovative use of surplus American agricultural commodities, they will also support the reauthorization of this worthy program.

I urge adoption of this amendment.

Mr. LEAHY. Mr. President, this is an amendment reauthorizing donation of surplus agricultural commodities to Poland.

The PRESIDING OFFICER. Is there debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2109) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, will the Senator from Vermont yield?

Mr. LEAHY. Yes, of course.

Ms. MIKULSKI. I would like to thank the Senator from Vermont and the Senator from Kentucky for moving the legislation to reauthorize the Joint Commission on Poland.

I believe it is a model on how we can promote self-help, initiative and reliance and use dollars that are converted, in as much as they could not leave the country anyway, to be able to put them to good use.

I thank both Senators for their courtesy in seeing that this bill is reauthorized. I particularly know that those in children's hospitals and the Project Judaica, which stands as a great intellectual center for the Jewish heritage of Poland, all of them will be grateful.

Mr. LEAHY. I thank the distinguished Senator from Maryland. I note she has been such a leader in this.

In fact, I have gone to some of the areas in Poland helped by this. I can state firsthand this is one of our more successful programs.

I would also note that its success is owed a great deal to the constant efforts by the Senator from Maryland.

I thank her for her help.

AMENDMENT NO. 2110

(Purpose: To authorize a drawdown on U.S. commodities and services to assist war crime tribunals and other bodies of the United Nations to deal with charges of violations of international law and to require a report regarding the U.S. participation in the United Nations War Crimes Tribunal)

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to submit an amendment to the bill on behalf of myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2110.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 80 of the Committee reported bill, linetype from "(e)" on line 7 through and including the period on line 17, and on page 112, after line 9, insert:

"WAR CRIMES TRIBUNALS

"SEC. 577. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Council or such other tribunals or other bodies as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia."

Mr. LEAHY. Mr. President, this amendment is to allow the use of excess commodities in relationship to war crime tribunals.

I believe it has been cleared.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered. The amendment is agreed to.

So the amendment (No. 2110) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we are about to move forward to something else in a minute, but I ask unanimous consent for not to exceed 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEA FUNDING

Mr. LEAHY. Mr. President, over the past few years funding for the National Endowment for the Arts has come under fire. The controversy usually begins over NEA funds used to support an artist's work that some people find offensive. I do not argue this point. In fact, some of the artists' works I have seen greatly offended me as they have some of my fellow Vermonters.

But to put this in perspective, these controversial grants are just a tiny fraction, .0001 percent, of the over 100,000 grants the NEA has awarded.

We should not forget all of the good that the NEA does—the great majority of NEA grants have created community celebrations, economic development, better schools, programs for the elderly, and has preserved our national heritage.

I am extremely concerned about the 5 percent cut to the NEA budget in the Interior Appropriations bill which passed the committee yesterday. I hope that prior to the time it comes on the floor and certainly prior to the time it goes to conference we might find a way to bring about a result that I think more carefully protects the interests of the American people.

Last year, the NEA budget was cut across the board by 2½ percent. This year, the Senate committee has targeted cuts to programs that are perceived by some to be the source of controversial grants.

In my home State of Vermont, the programs that are being targeted for cuts are good programs. This year, the Vermont Folklife Center in Middlebury received a $280,000 challenge grant.

The Folklife Center keeps Vermont's heritage alive; circulating exhibits to allow the young and old to see the beauty and importance of the artistry of their roots such as basketry, quiltmaking, stonework, slate and granite carving, the latter of interest to me because both my grandfathers were stonecutters in Vermont.

The Presenting and Commissioning Program awarded grants to arts centers around Vermont, including the Cross Roads Arts Council in Rutland and the Catamount Film and Arts Co. in St. Johnsbury, each of which received $5,000.

This may not seem like much when we debate billion dollar budgets in Congress, but to these programs these dollars mean the difference between being able to bring performers into their communities or not.

The Catamount Film and Arts Co., situated in one of Vermont's most rural areas, has brought the Vermont Composers Festival and the Festival of Japan to its community.

Just last weekend, the Cross Roads Arts Council held its third annual Rutland Region Ethnic Festival, a celebration of different heritages and cultures in their community. The festival was a great success, with more than 5,000 attendees enjoying entertainment and a variety of foods from around the world.

The NEA funds improve these organizations' ability to bring quality artists into the region for extended periods. This is important to give artists the time to go into schools, visit senior centers and work with at-risk youth.

These programs enrich the lives of Vermonters and visitors, connecting us to different ideas and cultures. Arts are effective economic development tools, and can draw people to communities as an attractive place to live, do business and visit.

The NEA programs support quality arts events across the country. If these cuts go through, it would make it very difficult for programs in my small State of Vermont to continue to compete for these funds.

The most recent NEA grant that has received some notoriety of late was a performance at the Walker Art Center in Minneapolis, a very prestigious regional center.

The performance in question is one of more than 100 events produced by Walker this year. And, incidentally, with the tremendous debate and maybe thousands of dollars' worth of debate time that we spend on it, we should note that only $150 of Federal funds were used. Incidentally, this was approved in 1992 by the previous acting chairman of the NEA, not in this administration at all.

Mr. President, we should not be judging next year's NEA budget on a decision that was made in 1992, under a different chairman. We now have a Chairman, Jane Alexander, who is doing a terrific job. She is working to reach the NEA's goal of bringing "the best art to the most people".

Last year, Ms. Alexander was overwhelmingly approved by this body. Since then she has been traveling across America, talking to people and seeing the kind of art that is happening in big and small communities. She is working to ensure that the National Endowment for the Arts continues reaching out to educate and fascinate people of all ages through the arts.

She knows what Americans want. She is an artist of great renown herself. She is backed up by people with great backgrounds, very respected backgrounds, in the arts. And I would note on a personal level, in that regard, Ellen McCulloch Lovell, who is the director of the President's Committee on the Arts and Humanities, someone with a great background in the arts, both in this city and in Vermont.

So I hope Ms. Alexander would be allowed to do her job and the NEA allowed to continue its good work.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I would note once again that the store is open. We are ready to hear and take amendments or debate them or vote on them.

If there are no further amendments, I, of course, would be happy to see us just adopt the committee amendments and go to final passage. This manager of the bill is ready to go.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I assume the distinguished Senator from Vermont does not hold the floor.

Mr. LEAHY. I yield the floor.

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The Senator is informed that the pending question is the first committee amendment.

Is this intended as an amendment to that?

Mr. COCHRAN. Mr. President, I would prefer to seek the counsel of the managers of the bill. This amendment does not seek to amend any provision in the committee amendment. It deals with another section of the bill.

Would it be appropriate to set aside the committee amendment for the purpose of taking up this amendment? Or I will be glad to withhold this until the committee amendment is disposed of, whatever the pleasure of the managers would be.

Mr. LEAHY. The Senator is on the floor now. If it would make life easier for him to just go ahead and set it aside, I certainly would have no objection. Because I would note, Mr. President, as I noted in the past on this particular subject—I think we handled the colloquy in report language—that the Senator knows I support him on it, if it is what I think it is.

But, in any event, whether it is the one I think it is or not, the Senator is here. He is always cooperative. If it would make life easier for him to set aside the committee amendment to go to his amendment, I am perfectly willing to do that.

Mr. COCHRAN. Mr. President, I appreciate the courtesy of the manager of the bill.

Has the unanimous consent been granted?

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2111

Mr. COCHRAN. Mr. President, I ask that the amendment I submitted to the desk be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2111.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 33, line 3, strike all after "*Provided further*" through "United Nations Charter" on line 18.

Mr. COCHRAN. Mr. President, let me advise the Senate that this amendment would strike from the bill that portion of page 33 from line 3 through line 18. These lines contain language prohibiting the use of funds under the Arms Export Control Act that would go to Turkey, to the extent that none of the equipment purchased under this section could be used for any purpose inside the country of Turkey or for any internal security purpose.

And then, further, the language extends to Greece and contains a prohibition that funds under this provision going to Greece could not be used in violation of U.N. sanctions against Serbia or the U.N. Charter.

It seems to me that this language is unnecessary and provocative in the way it is used in the bill. These two countries are being singled out for special criticism, it seems to me, with the inclusion of this language.

It is unnecessary and gratuitous and, to me, insulting. It presumes that violations of either sanctions against Serbia or the U.N. Charter have been committed by Greece, or will be committed by Greece, and to me that is presumptuous and has no place in this bill.

With respect to Turkey, there is a presumption in this language that Turkey has or will use funds under this provision in violation of human rights or other interests within its own country. To me, again, that is unnecessary. It is a gratuitous insult to Turkey.

So I hope the committee managers can look favorably upon this suggested change in the bill. There is also corresponding language in the report which seeks to explain why this language is included in the bill.

When I saw that in the report and had it brought to my attention, it occurred to me that we should strike that from the report. But having consulted with the manager's staff, and having looked at the issue carefully, it seems that the most appropriate way to deal with this issue is straightforward: simply strike the offensive language from the bill. And I hope the Senate will agree to it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in a moment I am going to suggest the absence of a quorum. That will be for just a few minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 2112

(Purpose: To eliminate the appropriations proposed to be made for fiscal year 1995 for the International Development Association)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Chair advises the Senator that there is pending at this time an amendment of the Senator from Mississippi.

Mr. HELMS. In that case, I ask unanimous consent that the amendment of the distinguished Senator from Mississippi be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2112.

The amendment is as follows:

On page 3, strike lines 8 through 13.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, it would be difficult, if not impossible, to imagine a Federal giveaway program more resented by the American taxpayers than the so-called foreign aid program. And that is not too hard to understand because the American people are aware that Congress has run up a debt of $4.6 trillion, and the American people more and more are demanding to know how and why billions of their tax dollars are being shipped overseas, in their minds at least, in massive handouts.

Year after year, there is an annual ritual in Washington about foreign aid reform. They talked about it the first year I was here, and that was almost 22 years ago. Nothing has been done of any consequence. The bureaucrats down in Foggy Bottom scurry around drafting what they call reform proposals. Congressional oversight committees hold endless hearings on the topic of reform, and inside-the-beltway magazines publish pompous articles about how Congress is finally going to do something about foreign aid. But when all the dust has settled, nothing changes, and this wasteful program runs on and on like Tennyson's brook.

Now if Congress sincerely wants to reform foreign aid, an excellent place to begin is with the World Bank and those other multilateral development banks. Year after year, these banks literally chew up hundreds of millions of dollars, all the while duping both the Congress and the administration—Republican and Democrat—into assuming that these wasteful institutions are performing a useful service.

The President's foreign aid reform proposal expresses no intent whatsoever to reform multilateral lending. In fact, none of the reform proposals considered by either the House of Representatives or this Senate during the past few years have set forth any such reform.

Therefore, the purpose of this amendment is to establish some reform in the World Bank operation. Despite the World Bank track record, this bill contains a $1.207 billion line item appropriation for a World Bank outfit called the International Development Association, hereinafter known as IDA. The World Bank and IDA have had 50 years to prove themselves to the American people, and have failed miserably.

In fact, just last year, over the objection of the United States Executive Director, the World Bank approved loans of $463,400,000 to, guess who, Iran, of all countries.

Mr. President, according to the most recent World Bank report, in 1993, the World Bank, including IDA, has lent developing countries more than $312 billion since it was created. What has been the track record of all that massive spending? Has it led to economic growth? Has it reduced global poverty? Has it strengthened the private sectors of the recipient countries? Not on your own patootie. No, sir.

The Cato Institute recently published an extensive report, as a matter of fact, on multilateral lending policies providing a clear answer to those questions, and the report's title is interesting. Listen to what the Cato Institute calls it: "Perpetuating Poverty: the World Bank, the IMF and the Developing World." That report stated:

After providing advice, loans and grants to the governments of the world's poorest countries for 4 decades, the multilaterals can point to few, if any, cases in which their efforts have led to improved living standards and sustained economic prosperity. Instead of growth, the Third World has experienced social disintegration, economic stagnation, debt crises, and in some regions declines in agriculture production and income.

Now, as I already stated, Mr. President, the pending amendment would cut the United States $1.2 billion contribution to IDA. IDA is the major lending component of the World Bank. It constitutes more than half of the administration's request for all World Bank funding for fiscal year 1995. But it is an absolute sham, with a disgraceful record of propping up illegitimate and corrupt regimes throughout the Third World.

First of all, the fact that IDA is part of the World Bank is misleading. If it were a true bank, we would not have to "replenish" the funds in it. I am using a Treasury Department term when I say "replenish." Every 5 years they have to put more and more and more money back in. Now, here are the so-

called lending terms. I have quotation marks around the word "lending" described by the Department of Treasury in their Congressional presentation for fiscal year 1995. Let me quote:

The terms of new IDA credits—

Meaning taxpayers' money—

which are made only to governments, are 10-year grace periods, 35- and 40-year maturities, no interest and a .75 percent service charge.

That is three-quarters of 1 percent.

Now, I just wonder how many people who may be listening would like to borrow money on those terms. I would like to borrow a ton if it were available to an average citizen. But, in other words, IDA hands out cash—and it is money taken from the American taxpayers—IDA hands out this money to the governments of the least developed countries and tells them do not bother to begin paying back this money for another 10 years. And when that 10-year period expires, you have another 35 to 40 years to complete the payment, all of this with virtually no interest.

So to be honest about it, these are not really loans. They are handouts. And they are handouts to the sectors that deserve the money the least—the governments. If we are going to use the taxpayers' money for anything, we ought to work with the private sector and not hand it to these corrupt governments around the world.

In many cases it goes to corrupt governments with no track record of any attempt at economic reform.

Now, the administration in its congressional request had this to say:

IDA plays a pivotal role in supporting efforts to alleviate poverty and encouraging economic reform.

The administration then continued:

IDA borrowers confront formidable development challenges in their efforts to promote economic growth and reduce poverty.

I am not sure exactly who wrote that, and I do not know what he was smoking, or she, but nothing could be further from the truth than that. It is a sham. It is a waste of the taxpayers' money. It is an insult to the taxpayers.

In short, the administration is operating under the illusion that IDA recipient countries are engaged in economic reform, which they are not, that they engage in efforts to promote growth, which they are not, but look at who is receiving the money.

Now, the administration in this request this year boasts about IDA's contribution to development in sub-Saharan Africa, and the administration request had this to say.

IDA is especially important for its 38 sub-Saharan African borrowing countries.

I do not know how you define importance in that context, but I know how you spell sham, and I know what it means.

Anyhow, a review of IDA's lending to sub-Saharan Africa shows no correlation whatsoever between IDA lending and development in Africa. In fact, many of the African countries that have regressed the most over the past 10 years share one thing in common, and that is they have received generous amounts of money from IDA.

Mr. President, you can pick any illegitimate regime on the continent of Africa, any regime with a track record of repression and human rights violations, any regime with centralized control over the economy, and then ask the question, did that regime receive handouts from IDA? And in almost every case the answer is yes, yes, yes. It is well known that the Communist regime in Ethiopia, under its president there, was one of the most ruthless on the African Continent. That has been documented time and time again on this floor, not to mention in the Foreign Relations Committee.

In 1990, the regime was teetering on the brink of collapse, yet according to the World Bank annual report for 1990, the latest available, the Government of Ethiopia received $75,200,000 from IDA. The previous year the regime received $157 million from IDA. And in 1985, the time when the world was horrified by that brutal regime's indifference to the starvation of tens of thousands of its own people, that regime was rewarded with $166 million from IDA.

And 1990 was also the first full year in power for the repressive regime in Sudan, a regime that has been linked by the United States Government to international terrorism. Nonetheless, you have got it, that regime was rewarded with $82,200,000 in 1990 and according to World Bank documents the Sudan received $16 million in 1992.

And then there is another African country that is very much in the news, Somalia. In 1990, the year before Somalia collapsed into anarchy, the regime of President Siad Barre received $54,600,000 from IDA. The year before that it received $89 million from IDA.

Zaire is another African nation that has pursued disastrous economic policies. According to a 1994 State Department report, the regime in Zaire, which had been in power since 1965—now, this is the State Department's assessment, the State Department says Zaire is "highly corrupt, heavily indebted," and maintains "ineffective" economic policies.

That is a quote from the State Department, the same State Department that comes up here and says let us give this money away.

Up until last year, the Government of Zaire continued to receive assistance. In fact, in the years since IDA was created—that is, the 1960's, as I recall—Zaire alone received more than $1 billion in IDA loans, IDA credits.

There is another little country that we hear a whole lot about, if you want to talk about repression and horror and brutality. Yes, I am talking about Rwanda, a country that has recently distinguished itself by having one of the worst human rights records in the history of the world. Did Rwanda receive IDA funding last year? You bet. According to the 1993 World Bank Annual Report, Rwanda received $26 billion last year, and according to the World Bank's cumulative tables, Rwanda has received more than $617 million during the existence of IDA.

Despite all that, this administration claims that IDA plays a pivotal role in encouraging economic reform. A pivotal role.

P-i-v-o-t-a-l? I had better get my dictionary and see if the definition has changed when I was not looking.

What "pivotal role" did IDA play during the Mengistu regime? What are the results of this "pivotal role" in Sudan? In Somalia? In Zaire? In Rwanda?

Mr. President, I could go on and on. I focus on Africa because that is the continent where the administration seems to believe that IDA has made the biggest difference. The fact is, many African nations which have received massive infusions of IDA assistance have made little to no progress in the area of economic reform.

Let me quickly say in conclusion that wasteful spending is not limited to the African Continent. Last year Communist China received over $1 billion from IDA. The Communist nation of Laos received $55 million. India received more than $1.5 billion.

Let us go to Central America, down to Nicaragua. You know, the place where the Government has expropriated, seized property owned by hundreds upon hundreds of American citizens. Good old Madam "Nicaragua" Chamorro's government—with the Sandinistas still intact insofar as running that country is concerned—received $33 million.

In most cases, even if the United States attempts to block an IDA loan, it is approved over our objection of the United States. Last year I asked CRS to prepare a memorandum discussing the effect—if any—of United States opposition to IDA lending for China.

For example, I wanted to know in the wake of the Tiananmen Square crackdown if it had any effect.

What do you reckon the Congressional Research Service replied? It said:

Because the U.S. vote is insufficient to block loans, IDA lending to China has not only resumed, but increased from $515 million, or 10 percent of total IDA loans approved in 1989 to $949 million, or 15 percent of IDA loans approved in 1992. About $400 million of the almost $950 million in IDA loans approved in 1992 went for projects in [names of cities deleted] the most affluent province and cities in China.

So not only are the loans which are constituted in large measure by the taxpayers of the United States, including North Carolina, being approved

over the objections of the United States, but they are increasing dramatically, and they are going to some of the most affluent cities in Red China. This is not a new problem.

Mr. President, this is not a new problem. Three years ago the Under Secretary of Treasury appeared before the Foreign Relations Committee to discuss World Bank funding. He acknowledged that in most cases when the United States objects to a loan at the World Bank, our objection is typically overridden.

A little over 30 years ago, as the Senate considered a foreign aid bill, one of the great Senators in the history of this body, Sam Ervin, Jr., made a statement that is as timely today as it was when he made it with respect to foreign aid, Senator Ervin stated, and I quote:

> If an individual were to persist in borrowing money for the purpose of giving it away, his family and friends would institute an inquisition in lunacy, and procure the appointment of a guardian to manage his affairs. If an individual were to undertake to give away his property instead of paying his debts, the law would stay his hand and compel him to be just rather than generous. It is high time that Congress should exercise some common sense and put similar restraints on the Federal Government.

That is the end of the quote of Sam Ervin, Jr., with whom I served the first 2 years I was here. He was a brilliant constitutional lawyer, a great Senator, and a great friend, whom I miss.

Mr. President, Sam Ervin's statement has even more resonance today because the United States of America is flat broke. As I said at the outset, and as I say every day on the floor of this Senate, the U.S. Government is $4.6 trillion in debt. How do you imagine all of this debt was run up? It was incurred $1 at a time through spending on wasteful projects like the World Bank.

According to Citizens Against Governmental Waste, a stack of $1 bills amounting to $4.6 trillion would reach all the way to the moon and halfway back. Maybe that is what we ought to do to Senators who vote to continue this sham. Spending for projects like the World Bank indicates that the stack is going to get higher and higher and higher. If I were a member of the younger generation, I would resent what our generation is doing to them and to their future.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I cannot think of anything that is more fun than to shout about the so-called foreign aid and say, "Oh boy, more American giveaways." And you hear sometimes about these huge debts and that if we just do away with foreign aid, we would be done with all our debt, our deficits and everything else.

Of course, the fact of the matter is foreign aid is less than 1 percent of the overall national budget, and it is done for such things as helping our companies export abroad, creating tens of thousands of jobs in the United States, so we have a place to export. It fulfills the international commitments that we have entered into as a world power. It allows us to give humanitarian aid—incidentally, it is far less than many other nations do. When we talk about the national debt, it is a little less than 2 weeks of the interest that we pay on the debt that was run up during the Reagan administration, if you want to put that into perspective. We do not do such things as the past administration did; that is, giving $1.9 billion in foreign aid to Saddam Hussein. Incidentally, that is before the Persian Gulf war.

This is a bill designed to protect our national security interests. Do we get angry at some of the things in the World Bank? Absolutely. Nobody has been more angry than I have. Some of the argument that I and others have made is one of the reasons they are beginning to do some of the things we have asked them to do, like get rid of the lavish lifestyles, first-class air travel, and things of that nature.

But let us keep in mind we ask these international organizations to do the lion's share for what we want in the other parts of the world. We asked them to do the lion's share in the former Soviet Union because we do not want to risk our money, so we ask them to. We ask them to help develop a lot of the markets—American markets for American goods—worldwide, whether it is Eximbank, World Bank, or whatever else. These are things we help them to do. We see them helping out in Tajikistan, Georgia, Armenia, Albania, Macedonia, and a number of other countries which we are not particularly interested in going into, particularly with the amount of moneys we want. In Africa, where we have one of our greatest potentials for a new market and where we send our least amount of aid in developing those markets, we have asked IDA to go in and do it for us. In fact they have commitments in Africa for over 3 years. Some think this is something we should not be doing. I feel we should. This is a huge continent, and we would like to see it stable, economically viable, and we would like to be able to work with them.

Mr. President, I hope this amendment will be defeated.

The PRESIDING OFFICER. Is there further debate?

If not, the question occurs on the amendment offered by the Senator from North Carolina.

The yeas and nays having been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 66, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—34

Bennett	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Pryor
Byrd	Heflin	Roth
Cochran	Helms	Simpson
Craig	Hutchison	Smith
D'Amato	Kempthorne	Stevens
Dole	Lott	Thurmond
Faircloth	Mack	Wallop
Ford	McCain	Warner
Gorton	McConnell	
Gramm	Murkowski	

NAYS—66

Akaka	Dorgan	Lugar
Baucus	Durenberger	Mathews
Biden	Exon	Metzenbaum
Bingaman	Feingold	Mikulski
Bond	Feinstein	Mitchell
Boren	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Nunn
Bryan	Hollings	Packwood
Bumpers	Inouye	Pell
Campbell	Jeffords	Reid
Chafee	Johnston	Riegle
Coats	Kassebaum	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Coverdell	Kerry	Sasser
Danforth	Kohl	Shelby
Daschle	Lautenberg	Simon
DeConcini	Leahy	Specter
Dodd	Levin	Wellstone
Domenici	Lieberman	Wofford

So the amendment (No. 2112) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SASSER PROVISION

Mr. SASSER. Mr. President, I would like to take a minute to thank Senator LEAHY for including a provision in the bill which will allow the Overseas Private Investment Corporation [OPIC] to continue to provide much-needed support to the American export community this year.

Section 573 of the reported bill allows the immediate transfer of $12 million to OPIC from the Export-Import Bank, allowing OPIC to keep their lending programs active through the end of this fiscal year. It will also allow $1 million to be transferred to the Trade and Development Agency [TDA] to support their operations.

We are able to make these resources available due to the fine work of Ken Brody and his staff at the Export-Import Bank. I am pleased to be able to report that this provision enjoys the support of the administration.

The provision will also allow a degree of future flexibility to transfer resources among the various agencies which support U.S. exporters. This has been a goal of the Trade Promotion Coordinating Committee and fully in keeping with Congress' goal of providing vigorous support to U.S. exporters.

Again, I would like to thank the chairman and Senator McConnell for including this provision in their mark. I would also like to thank their fine staffs—and officials of OPIC and Eximbank—for all their help in this matter.

AMENDMENT NO. 2111

The PRESIDING OFFICER. The Chair advises the Senator from Vermont and the Chamber that the question occurs now on the Cochran amendment, No. 2111.

The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I understand what the Senator from Mississippi wishes to do. We have been trying, during some of these votes and other matters, to work out an area of agreement. I believe we do now agree.

I have prepared language which I have shown to the Senator from Mississippi. I am wondering if he is willing to accept this language, or to modify his amendment with the language I have shown him? If he would, I will send that language to the desk.

Mr. COCHRAN. Mr. President, if the Senator will yield?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have had a chance to look at the suggested language the managers have proffered and I am willing to accept that as an amendment to the amendment I had previously sent to the desk.

So I appreciate very much the cooperation of the distinguished Senator from Vermont and the Senator from Kentucky on this issue.

Mr. LEAHY. Mr. President, I will send this language as a modification to the amendment of the Senator from Mississippi.

Mr. President, if I might clarify that, as the amendment of the Senator from Mississippi was a strike of the committee amendment, then I would offer mine as an amendment. I believe parliamentarily that is what we have to do.

The PRESIDING OFFICER. If there is no objection, the amendment previously offered by the Senator from Mississippi will be withdrawn and the clerk will now report the amendment offered by the Senator from Vermont.

Hearing no objection, that will be the order.

The amendment (No. 2111) was withdrawn.

AMENDMENT NO. 2113 TO THE COMMITTEE AMENDMENT ON PAGE 32, LINE 12

(Purpose: To amend the committee amendment regarding FMF for Greece and Turkey)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2113.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 3, of the Committee reported bill, strike *"Provided further, That"* and all that follows through *"Charter"* on line 18, and insert: *"Provided further, That any agreement for the sale or provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey utilizing funds made available under this heading that is entered into by the United States during fiscal year 1995 shall expressly state that the article will not be used in violation of international law, and any grant of any excess defense article under the Foreign Assistance Act of 1961 during fiscal year 1995 shall be subject to the same condition: Provided further, That in any case in which a report to the Congress is required under section 3(c)(2) of the Arms Export Control Act regarding such a violation, such report shall also be submitted to the Committees on Appropriations: Provided further, That the Secretary of State, in consultation with the Secretary of Defense, shall submit a report to the Committees on Appropriations by February 1, 1995, describing how United States assistance to Greece is promoting respect for principles and obligations under the United Nations sanctions against Serbia, the United Nations Charter and the Helsinki Accords."*

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to say to the Senator from Mississippi how much we appreciate his effort with regard to Turkey. We do not have a better ally anywhere in the World than Turkey. I think the Senator from Mississippi was correct in concluding that some of the language in the bill might well have gone too far. I commend him for his leadership on this issue and I also thank the chairman for working with the Senator from Mississippi and working the matter out.

Mr. LEAHY. Mr. President, if I might, I wish to echo those words commending the Senator from Mississippi. I note that this is following initiative, trying to improve the bill.

By parliamentary form I offered this amendment, but it was the initiative of the Senator from Mississippi that brought us forward and I commend him for his work.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2113) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there is no objection, the committee amendment, as amended, is also agreed to.

Mr. COCHRAN. Mr. President, let me thank the distinguished managers of the bill also for their cooperation on the issue. I appreciate their looking at the suggestion to delete this language and then agreeing to modify the language with this new amendment.

I think this would certainly work to the advantage of all concerned, both Turkey and Greece, to whom the language applied. I appreciate, again, the good cooperation from the Senators.

THE FIRST COMMITTEE AMENDMENT ON PAGE 2, LINE 12

The PRESIDING OFFICER. The question now recurs on the first committee amendment on page 2, line 12 of the bill.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman, Senator LEAHY, and Senator MCCONNELL, the ranking member, for their work in attempting to put this bill together. This bill includes many areas. I do not agree with them all but indeed there are many things that are very positive in the foreign operations appropriation.

Included in some of the things Senators LEAHY and MCCONNELL have done, they have advanced human rights around the world by some of the programs they have promoted and funded here. They have promoted democracy in Africa by supporting the Microenterprise Lending Program and ensuring that the amount and manner in which aid is delivered to Russia and the Newly Independent States of the former Soviet Union is appropriate and has some controls.

I here question the amount of aid we are going to distribute to Russia and the former Soviet Union, the republics. Nevertheless, it is done as well can do with so much diversity of opinion as to where the emphasis should be.

Another program under which Senator LEAHY and Senator MCCONNELL have been leaders are the Child Survival Programs. With relatively small

amounts of funds, these programs have been successful in addressing the tragedy that goes unreported every day; tens of thousands of children die every day from diseases which most Americans do not realize can even be fatal. Senator MCCONNELL and I both offered amendments during the subcommittee markup to earmark funds for these particular programs.

I am pleased the chairman accepted an amendment to earmark funds in the bill for child survival, basic education, and micronutrition programs. I strongly hope, Mr. President, this earmark will be retained in conference. I understand the House bill did not have earmarks, and the great constraints which the chairman faces in meeting the budget allocations for this bill. But clearly there are a few programs that are important, and this particular program of child survival is one of those programs.

While we certainly cannot afford to fund all the programs, I believe we must do all we can to provide this modest but vital funding to these programs which literally meet the most basic needs of children. These programs are what I consider smart spending. They help end the downward spiral of poverty and needless death and malnutrition of children in the developing world. The Child Survival Programs are far less costly than allowing famines of catastrophic proportions to develop which require responses far more costly in lives and resources than support for these programs that are in this bill.

I think what happened in Somalia is a perfect example of how much we put in to saving children there after the fact, how much more it cost than if we had a good child survival program in that part of the world.

Certainly the death of 35,000 children everyday from preventable diseases is nothing short of catastrophic. Indeed, just think and dwell on 35,000 children who are alive today will die tomorrow. This program, Mr. President, makes a difference and we know it makes a difference.

So, again, I thank the chairman and ranking member for their support and hope that they will keep this earmarked in the conference.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is the pending business the Lautenberg amendment?

The PRESIDING OFFICER. The Senator is correct, the Lautenberg amendment is pending.

Mr. MCCONNELL. I ask unanimous consent that the Lautenberg amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2114

Mr. MCCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2114.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the section entitled "Assistance for the New Independent States of the Former Soviet Union," add the following new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be spent to support and expand the hospital partnerships program conducted throughout the NIS."

Mr. MCCONNELL. Mr. President, over the past year, a very worthwhile hospital partnership program has been established involving 21 hospitals. For every dollar AID invests, the private sector invests three. This has proved to be a remarkable exchange program which has improved the quality of services, strengthened medical training and know-how and made basic equipment available the Russians could not afford. Nearly $24 million in time, equipment, and supplies have been contributed since the program began.

There have been 1,138 exchanges since July 1992. So, obviously, AID wants to end the program because it is working. After considerable debate, AID has agreed to briefly continue the program. I might note that five of the nine partnerships in Russia are with hospitals with members on our subcommittee.

I want to assure this important program continues and has the opportunity to expand. I understand there is an application pending from a Vermont hospital as well as one in Arkansas. Meaningful services, expertise and funds from the private sector are just the kind of programs we should be expanding.

Mr. LEAHY. Mr. President, I wish to note that I certainly support the distinguished Senator from Kentucky on this issue, and I appreciate his reference to Vermont. I know from our own experience in Vermont how helpful it is. I also know from the dedicated professionals in Vermont who have worked with this how valuable it is. So I certainly support it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment (No. 2114) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GEN. WILLIAM KEYS ON HIS RETIREMENT

Mr. LEAHY. Mr. President, on July 8, the U.S. Marine Corps will hold a change of command ceremony at Camp Lejeune that will leave a vacuum in its wake. The Corps and our Nation will say hail and farewell to one of the finest leaders in its ranks: Gen. William Keys.

Bill Keys has served his country as a Marine for 34 years. What a remarkable accomplishment. Any individual who survives over three decades of drinking Marine coffee, well known for its distinctive CLP oil taste, deserves accolades, if not an eulogy.

In all seriousness, General Keys' career is marked with a long list of accomplishments in the Marine Corps that is second to none. Beginning his illustrious career as an infantry officer, General Keys served at every level of operational command, from a platoon leader with the 3d Battalion, 2d Marine Regiment, to commanding general of the 2d Marine Division which participated in the successful assault across the Kuwaiti border during Operation Desert Storm.

The stellar military career of Bill Keys is well documented by the many decorations and medals he has received. The list is too long to read on the floor today, but the honors include the Navy Cross, the Distinguished Service Medal, and the Silver Star.

Mr. President, medals are an important token of accomplishment, but they cannot fully express the gratitude this country has for the leadership and service Bill Keys has provided to his country. The Marine Corps has been an invaluable part of his life. But Bill Keys is the type of person who gives back even more than has been given to him.

Yes, he grew up with the corps but, more important, the corps grew with his leadership.

I first met General Keys through his association with one of my very best friends, Richard Torykian. Mr. Torykian and I have known each other since we were teenagers in college. I have a lot of respect for Dick Torykian. He frequently spoke to me about his relationship with General Keys, whom he had known in the Marine Corps. After listening to the unstinting praise that Dick had for General Keys, I was already predisposed to Bill Keys him when I first met him. I actually first met him while

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visiting my own son, Mark, on Parris Island, who was just beginning his own career in the Marine Corps.

During Desert Storm I could not help but think how fortunate this country was to have a man of General Keys' abilities in a command position. I knew Bill Keys was somebody who would always put the interests of the United States, the interests of those under his command, and the interests of the Marine Corps first and foremost. I was confident that he would have no agenda other than the honor that accompanies his own oath of office.

Bill Keys will be retiring in a few days, but his service to the corps is not complete. I know his advice and counsel will continue to be relentlessly sought out by the corps. Marcelle and I wish him the best. We know he is going to excel in whatever endeavors he takes on in the future.

Mr. President, I ask unanimous consent to make a statement as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, some time ago, I offered an amendment that I understood was accepted by both sides on this bill.

Mr. McCONNELL. Will the Senator yield?

Mr. LAUTENBERG. I will be happy to yield.

Mr. McCONNELL. I specifically said it had not yet been cleared on the Republican side.

Mr. LAUTENBERG. I thought in fairness to the distinguished ranking member of the subcommittee that that was kind of an afterthought and that it had been cleared because it was my understanding through the staffs that the amendment——

Mr. McCONNELL. I say to my friend from New Jersey, it has not yet been cleared. We are working on that and hope to get back to him shortly.

Mr. LAUTENBERG. Then I stand corrected.

Mr. President, I ask what the pending business is, please?

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from New Jersey to the first committee amendment.

Mr. LAUTENBERG. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote, when taken, will be by the yeas and nays.

Mr. LAUTENBERG. Mr. President, in deference to the bill managers, I will wait now and relinquish the floor. I relinquish the floor at the moment to come back to perhaps a vote a while later.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, just so everybody will understand my position on this amendment, I raised some points that I may raise again either in conference or later in working with the administration. I support the amendment of the Senator from New Jersey, and I will vote for the amendment by the Senator from New Jersey. I share his frustration and the frustration of the Senator from California [Mrs. FEINSTEIN], at the enormous cost being borne by many of our States, and by the Federal Government in some instances, for people who are in this country illegally, who have been prosecuted, convicted, sent to jail for violent crimes, who should be sent back to their countries, and we are unable to get the countries to take them back. So the taxpayers get stuck with the bill. If I recall the debate earlier today, the Senator from New Jersey said about 45,000.

Mr. LAUTENBERG. Fifty-eight.

Mr. LEAHY. Fifty-eight thousand.

Fifty-eight thousand people is larger than all but one county in my State, just to put it in perspective. These are foreign citizens. We know it can mean tens of thousands of dollars for one person incarcerated. So we are talking about hundreds of millions of dollars or more being paid for by the State of New Jersey and the State of California, and, I suspect, the States of many other Senators represented here are paying this bill.

So I hope that we will vote on it soon, and I will vote for it.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, I have three amendments that have been agreed to. I could do them very quickly if we could lay aside the pending amendment and do these three amendments, and I do not plan to take more than a minute or two on each one.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I do not expect I will, but I am not sure I know which are the amendments the Senator from——

Mr. PRESSLER. If the Senator will talk with staff, he has all three of them. I will explain what they are.

Mr. LEAHY. If the Senator will withhold just a minute and let me finish.

Mr. PRESSLER. The Senator's staff has all of them, and they have been cleared. I will send them over.

Mr. LEAHY. If the Senator will just let me finish my sentence. I know he wants to be helpful. Could he just tell me briefly what the three amendments are he is talking about because we are going to have to ask the Senator from New Jersey if he will be willing to set aside his amendment to do this.

Mr. PRESSLER. I have two amendments actually.

Mr. LEAHY. I am sorry. I misunderstood. I thought the Senator said three.

Mr. PRESSLER. I have two.

Mr. LEAHY. And what are they about?

Mr. PRESSLER. The first of the two amendments is a Buy America amendment. It declares a U.S. firm should be given equal opportunity to bid for U.N. acquisition needs, both peacekeeping and other acquisitions.

Additionally, this amendment says no funds appropriated by the foreign operations appropriations bill should be obligated or expended to pay U.S. voluntary contributions to U.N. peacekeeping activities unless the Secretary of State can certify that U.S. companies are being given a fair shake.

Mr. President, as you know, the United States currently pays 30.4 percent of U.N. peacekeeping costs. U.S. manufacturers need to be assured of the same opportunities to provide equipment, services and material that foreign manufacturers have.

My second amendment specifically addresses procurement problems associated with the telecommunications industry. This sense-of-the-Congress amendment calls on the administration—it does not require it—to use a reciprocal standard when considering awarding telecommunications contracts or when buying products from primary foreign telecommunications firms.

Additionally, if a foreign-owned firm discriminates against U.S. firms in awarding contracts or making Government-financed purchases, the amendment says that the administration should review critically such contracts and purchases.

This amendment expresses the sentiment that the United States should expect other countries to allow U.S. firms equal access to telecommunications contracts and procurement if foreign firms are expected to be able to participate in projects financed by U.S. foreign aid.

I urge my colleagues to support these two probusiness amendments.

Mr. LEAHY. The Senator's staff has given us three amendments. He has given us two amendments.

Mr. PRESSLER. Yes, there is a third amendment. It relates to the——

Mr. LEAHY. Is the Senator speaking of three amendments or two amendments?

Mr. PRESSLER. Three amendments.

Mr. LEAHY. We are back to three.

Mr. PRESSLER. Back to three.

Mr. LEAHY. We started at three, went to two, and are back to three.

Mr. PRESSLER. That is right. That is exactly correct. And there was no sleight of hand.

My third amendment is a sense-of-the-Congress amendment. It would allow U.S. payments in kind for U.N. peacekeeping assessments.

In other words, this amendment would encourage the contribution of U.S. goods and services in payment of our U.N. peacekeeping assessed costs. The United States could contribute excess defense equipment or other articles to peacekeeping operations and these contributions would be credited to the U.S. assessed costs. With the lion's share of the peacekeeping assessments—30.4 percent—the United States should be able to count goods and services against overall peacekeeping assessed costs.

AMENDMENT NO. 2104 TO COMMITTEE AMENDMENT PAGE 2, LINE 12

Mr. LEAHY. Now that I understand what the amendments are, I will object to going forward with those because I think we are about to dispose of the Lautenberg amendment. And while the Senator from New Jersey is still in the Chamber, I ask unanimous consent that the order for the yeas and nays be withdrawn on the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEAHY. I ask, Mr. President, for the adoption of the Lautenberg amendment.

The PRESIDING OFFICER. Is there further debate then on amendment No. 2104 offered by the Senator from New Jersey?

Hearing none, the question is on agreeing to the amendment.

So the amendment (No. 2104) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, it is now, of course, open for the Senator from South Dakota to send forward the amendments that he wishes. I would note, though, on discussions he had on Buy America, I would not object to that because I have already been advised that we are getting a fairly significant share of the peacekeeping equipment in America anyway. In fact, considering how much in arrears we are in a lot of our payments, as much in arrears as the United States is in its payments to the peacekeeping funds, we should probably be happy that other countries have not argued that they buy only the amount of American goods as we are in our payments because I suspect that, if other nations took that attitude, we would find the U.N. buying a lot less American equipment.

I am not going to object to that particular amendment. I just hope that it does not become of high profile to other countries because they might start calling up and asking just how much in arrears we are and start suggesting they buy a lot less.

Now, I would object very much to taking money out of our appropriations and our allocation, as the Senator from South Dakota does in another one of his amendments, to pay for the allocations and the appropriations in another appropriation, that is, State-Justice-Commerce, which it appears to be.

But I mention this, and, of course, the Senator can send any one of his amendments to the desk and we can debate them and decide where to go with them.

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair inquires of the Senator from South Dakota whether the Senator intends to amend the pending first committee amendment or whether the Senator wishes to set aside that amendment and introduce this amendment.

Mr. PRESSLER. Parliamentary inquiry. Would it be simpler—I think I will offer two of my amendments en bloc. We have two of them agreed on for sure.

Mr. LEAHY. Mr. President, I do not want to be difficult on this, but we started with three amendments, came to two amendments, went back to three amendments. And before I start agreeing to anything, I would want to know which amendment we are talking about.

I think maybe it would be a lot quicker just to send the amendments one by one, debate them, and dispose of them.

AMENDMENT NO. 2115

(Purpose: To express the sense of Congress that funds should be restricted unless United States firms are given opportunities equal to foreign firms for supplying goods and services for peacekeeping activities).

The PRESIDING OFFICER. If there is no objection, the pending committee amendments will be set aside, and the clerk will report the first amendment sent to the desk by the Senator from South Dakota.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2115.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

BUY AMERICA

SEC. . (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay any United States voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the appropriate congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers for such activities and for other United Nations acquisition needs.

(b) For purpose of this section, the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

Mr. PRESSLER. Mr. President, I have already explained this amendment.

Mr. LEAHY. To make life easier, Mr. President, for the Senator from South Dakota, we are willing to accept this. In fact, I would hope we might do as little fanfare as possible. Other countries that are concerned about us being in arrears in our payments know what we are doing. They will not be losing sales to America, not the other way around.

Mr. PRESSLER. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2115) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 2116

(Purpose: To express the sense of the Congress regarding telecommunications procurement)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], proposes an amendment numbered 2116.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

TELECOMMUNICATIONS PROCUREMENT

SEC. . It is the sense of the Congress that the Agency for International Development, and other agencies as appropriate, should take steps to ensure that United States firms are not unfairly disadvantaged in procurement opportunities related to promoting development through telecommunications enhancement. The Congress expects that high technology firms primarily owned by nationals of countries which deny procurement opportunities to United States firms will not be eligible to bid on procurement opportunities funded by programs in this Act. In particular, the Congress would oppose such purchases if the government of that country restricts American manufacturers of the same high technology products from government procurement or government-financed programs.

Mr. PRESSLER. Mr. President, this amendment calls on the administration—it does not require them—to use a reciprocal standard in considering awarding telecommunications contracts when buying products from primary foreign-owned telecommunications firms. If a foreign owned firm discriminates against U.S. firms in awarding contracts or making Government-financed purchases, the administration should review critically such contract purchases.

This amendment expresses the sentiment that the U.S. should expect other countries to allow U.S. firms equal access to telecommunications products and procurement if foreign firms are expected to be able to participate in projects financed by U.S. foreign aid.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PRESSLER. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2116) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

Mr. LEAHY. Mr. President, I would suggest that, regarding the third amendment of the Senator from South Dakota which he is considering to offer, payments in kind, insofar as that is not something within the jurisdiction of this appropriations bill or this subcommittee, at least for the time being he may want to withhold that, and find out whether there is any way within the jurisdiction of it. Because I do not want to have other chairmen and ranking members down here, as well as the chairman, and the distinguished ranking member of the full committee, who is on the floor, getting involved in this debate. This does not appear, at least at first blush, to be within the jurisdiction of our committee of appropriations.

I would suggest to the Senator from South Dakota that he may want to withhold this one while we at least check out the jurisdictional issue.

The PRESIDING OFFICER. Is there further debate?

Mr. LEAHY. I do not think it has been sent to the desk.

The PRESIDING OFFICER. The Senator from South Dakota has apparently decided to withhold sending the amendment to the desk.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, I would like to offer an amendment to this bill. I understand under the procedure we are in that this would be ruled as out of order. But I would like to make a few comments about the amendment and the content of that amendment.

I know that a number on this floor share my concern about the proliferation of conventional weaponry in the world today. The United States has the dubious title of being the largest arms merchant, arms peddler, in the world today, now that the Soviet Union has shifted its structure.

Let me indicate that this bill that we have before us today appropriates over $3 billion in security assistance to U.S. allies. As many of you know, I am a longtime critic of our military assistance program because I believe that it undermines our development efforts in poorer countries. Our policy of encouraging nations to become militarized all too often encourages them to become aggressive, repressive, and impoverished.

I appreciate the committee's notations in the report accompanying this bill which calls upon the administration to show some leadership in curbing the global flow of weapons. Unfortunately, it is not enough.

It is time for reform of our weapons transfer policy. Let me remind us that since the end of World War II, 40 million men, women, and children have lost their lives in wars fought with conventional weapons.

These wars are fueled by weapons transfers and the United States is the world's arms dealer.

Our so-called nonproliferation policy has a gaping hole created by our desire to peddle arms worldwide. I would track that back to our own addiction for arms development in this country. Nevertheless, we have spread the virus all over the world.

The United States now sells over one-half of all weapons transferred to the Third World. Let us focus on the Third World. During fiscal year 1993 we set a record, with the United States entering into agreements for the sale of over 31 billion dollars' worth of conventional arms to 140 nations. It is almost a characteristic of wanting to somehow fuel our own budget by the sale of arms to the rest of the world.

This role as the leading arms peddler is a dangerous one: Promoting the sale of arms abroad weakens our own national security, undermines our nonproliferation efforts and sends a message of false hope to workers who are employed in the declining defense industry in this Nation.

Arms sales especially threaten stability in the Third World, as governments acquire U.S.-built weapons while at the same time failing to meet the basic needs of their people.

In their eagerness to acquire the latest conventional technology poorer countries ignore the human needs of their people and expend, on average, 38 percent of their scarce resources on their military weapons. Their choice to arm themselves leaves men, women, and children without adequate health care, education and employment opportunities all of which sow the seeds of war. At a cost of less than half their military expenditures, developing countries could have health care services which could save as many as 10 million lives a year, according to some studies.

The administration pledged to review conventional weapons transfers but has not delivered on its promise. Instead, it has adopted an aggressive promotion strategy which shops U.S. arms abroad. it is clear to me that only Congress can curb the war trade.

(Mr. MATHEWS assumed the chair.)

Mr. HATFIELD. I believe that Congress should not only review the kind of weapons allowed to be sold abroad, but also to whom those weapons are provided. The American public does not believe that U.S. arms should be provided to dictators. Current law in this country prohibits the transfer of weapons to gross violators of human rights. Yet, we ignore this law routinely in the administrative branch of Government, and in the legislative branch of Government we continue to fund and subsidize arms transfer.

It is time for a new policy and the code of conduct on arms transfers, which I have offered as freestanding legislation. I believe it is time for this to be approved by Congress. I was prepared today to offer this bill as an amendment to the foreign operations appropriations bill, and I have the support of over 100 grassroots organizations, including human rights, arms control, religious, and development groups that have already endorsed the code of conduct. These people have rejected the flimsy arguments that arms sales are relatively inexpensive and

low-risk and that selling U.S. weapons abroad is good economic policy.

We sent our Secretary of Commerce to the Paris air show to peddle our arms, as one example of a policy of promoting the arms sales as an economic advantage to ourselves. Conventional arms transfers are none of the above. Arms transfers are heavily subsidized by the taxpayers of this country. Millions in taxpayer money are spent underwriting the cost of U.S. participation of arms trade fairs. The total Federal taxpayer cost of conventional arms transfers is estimated at $7 billion per year.

Even more disturbing are the security implications arms sales create for ourselves. As research has shown, American arms transfers fuel regional arms races, which in turn increase our own security requirements. Most startling, though, is the realization that our arms financing and transfer policy has resulted in United States soldiers in Panama, Somalia, and Iraq, facing weapons provided by their own Government. One researcher found that of the 48 conflicts underway as of 8 months ago, more than 36 of them involve parties which receive some U.S. weapons and training during the period leading up to the war. Our Nation is in the business of selling death and selling and promoting war with this kind of policy of arms transfer.

Since the toppling of the Soviet Union, we have been in a state of weapons sales free-for-all, with Cabinet Secretaries of the previous and the present administrations leading the way. Even as the administration claims concern, our bureaucracy is being streamlined in order to make arms transfer easier. I recall the change a few years ago wherein the Office of Munitions Control was renamed to a friendly name—the Center for Defense Trade. That tells me that our emphasis is no longer the restraint of arms trade, but rather the promotion of arms transfer.

By adopting the code of conduct on arms transfers, the Congress can turn this around. The United States would lead by example a worldwide ban on arms transfers to governments. My proposal would prohibit the transfer of any weapons to a nation which abuses the rights of its own people, which denies democratic rights to its people, which attacks its neighbor or its own people, and which fails to prohibit in the U.N. registry of arms their signing and registry.

My proposal does allow the President to ask Congress for a national security waiver if there is a compelling reason to provide military supplies to a country which does not meet all of the criteria of the code. In other words, we have to face the world as it is, and this is reality. There might be a special circumstance, and we have that kind of flexibility in this code.

Having spoken with many about my proposal, I know many Americans consider the code of conduct on arms transfers to be common sense. It is time for Congress to turn aside the short-term economic gains created by arms sales—economic gains which are lost to taxpayer subsidies and increased defense spending, as well as offsets in which U.S. arms suppliers agree to promote foreign domestic products as a trade for the weapons sales.

Mr. President, if we are going to debate again that issue that confronted this Congress on a number of occasions, whether to send arms to Bosnia because of the attack by the Serbs, have we ever thought or considered the possibility about cutting off arms, choking off the supply of arms that flow to the Danube freely by our allies and friends, as well as our own infusion of arms into all parts of the world? No. The profit—the almighty dollar—is of much higher value than human life under this policy. What is the difference if we kill a few people in some war somewhere else as long as we are making a buck on it? That is at the heart of this kind of addiction we have for arms selling all over the world.

There is only one supply of arms in the Yugoslavia area, and that is the Serbs that have an old arms equipment manufacturer. But they still need oil to move their instruments of war. At one time, West Germany, Greece, and other countries, such as France and Italy, were supplying arms in there, which are now being utilized to create these atrocities. Let us go back to the source of these atrocities. By sending more arms or by bombing other people, in that sense we do not solve the issue.

The amendment I planned to offer to this bill deals comprehensively with the crisis of the global arms glut, and I realize that it is therefore not in order procedurally. But this issue is too important to ignore. I believe that as we consider the pending legislation—which is the backbone of our arms transfer policy—the Senate should spend at least a few minutes discussing the critical need for change in our conventional weapons promotion policy.

Mr. President, this is not the first and only speech, and it will not be the last one. We must pursue this and persevere until we can get the attention of enough people in this body and in the administration to bring a halt to this merchant-of-death role that we have played all too effectively, all too efficiently, and all too profitably, in the world today, particularly in the Third World.

Mr. DORGAN. Mr. President, let me follow up on something Senator HATFIELD said that is enormously important. I have joined Senator HATFIELD in support of a bill, S. 1677, the code of conduct for arms transfers. He was going to offer it as an amendment to this bill, but there is a point of order against the amendment, so he did not.

However, I want to stress the importance of the issue that he raises. There is $3 billion in this bill for arms transfers to other nations. Not many people realize that the United States is the arms exporter of the world. The cause for concern is summarized in a recent newspaper headline: "Arms Control? U.S. Is The Worst Offender."

We have become conventional arms merchant to the world. We sell more conventional arms to more countries all over the world than anybody else by far. We continue to do this even though the last three times that American fighting forces faced hostile fire, they faced either American weapons or American-made technology.

In Iraq, for example, our forces faced U.S.-designed howitzers, cluster bombs, and ballistic missiles. Our own technology was used against us. American technology had found its way to Saddam Hussein's army.

Somalia? The soldiers that we sent to Somalia faced American-made recoilless rifles and landmines.

I understand it is difficult for the leading arms merchant in the world to shut off these transfers. This trade is done in the name of profit. But this trade isn't even levelling off—it's increasing. It is not just that we are leading the world, it is that these arms transfers are going up and up and up after the cold war is over. I am not talking about nuclear arms. I am talking about fighter planes and rifles and mines and flamethrowers and tanks that we sell throughout the world.

I full well understand, as does Senator HATFIELD, that it is difficult to put a stop to this because this is done in the name of profit. And if we don't supply these weapons, some other nation probably will. But these transfers are wrong for all of us.

The proposal that Senator HATFIELD discussed is the code of conduct on arms transfers. It provides that this country could not transfer arms to foreign governments that one, are undemocratic; two, abuse human rights; three, engage in armed aggression; or four, fail to register their own arms trades with the United Nations registry of conventional arms.

This is not a very sexy issue. Not many people are interested, partly because a lot of commercial interests in this country want to keep selling arms. I understand that.

But the United States has an obligation to lead the world. Our country should lead. We must work to make our allies and the rest of the world understand that selling more and more arms all around the world to various forms of governments to be used in all sorts of regional conflicts produces a less stable world, not a more stable world. These transfers cause regional tensions and instability, and make regional conflicts more deadly.

But these arms transfers don't just cause instability. They also suck up

money from higher priorities. Literally hundreds of millions of people in some of the poorest countries of the world watch their governments use growing shares of their budgets to buy arms, often from us.

Lots of governments around the world have badly misplaced priorities. Some of the examples are absolutely astounding. Ethiopia, in 1990, spent 15 percent of its national output on its military. Ethiopia—a country with a tragic record of drought, disease, and famine.

Angola is even worse. How would you like to live in a country that devotes one-fifth of its annual output to military spending?

As I said, it is nice, for some, to be able to sell arms for profit. But we ought to provide leadership. The United States ought to be a country that leads. We ought to tell countries around the world: "Let us try to put a stop to the arms race in conventional weapons, let us stop saturating this world with arms." Hungry people need food. Sick people need medicine. All too often their governments are off in the arms bazaar and we are the merchants. And—most strikingly—when American fighting men and women go into harm's way, they usually face weapons that were manufactured or developed here at home.

We ought to learn from that. Senator HATFIELD is absolutely correct. I respect enormously his leadership on this issue and I am very pleased to speak in support of what he is trying to do.

I hope one day soon the Senate will debate this bill and pass it and make some progress in limiting the arms sales that so destabilize our world.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GREGG] is recognized.

AMENDMENT NO. 2117

(Purpose: Sense of the Senate relative to military operations in Haiti unless certain conditions are met)

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2117.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE CONGRESS ON UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) REAFFIRMATION OF POLICY.—It is the sense of the Congress that the policy stated in section 8147 of Public Law 103-139 (107 Stat. 1474) regarding Haiti should be reaffirmed.

(b) LIMITATION.—It is the Sense of the Congress that none of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other Act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after the exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

Mr. GREGG. Mr. President, this amendment is a sense-of-the-Senate relative to the situation in Haiti. I believe the matter in Haiti is clearly on the front burner of the agenda of this country right now relative to foreign policy, and it would be inappropriate to pass a bill of this nature without Congress in a sense specifically expressing its views as to how the matter in Haiti should be managed.

We are seeing, obviously, a significant human tragedy in Haiti, which has been going on and expanding for the last few years.

But in the last few days, it has even become more significant in its relationship to the United States in the rather large increase in people fleeing that country and seeking the high seas and the American Coast Guard vessels having been put in the position of having to pick these people up and evaluate their opportunities to seek political asylum in this country.

But the issue goes well beyond those individuals who are fleeing Haiti. It goes to the matter of how this country relates to another nation, especially a nation which has been our neighbor in this hemisphere and whether or not our Nation is going to define our role in a coherent and precise manner or whether we are simply going to evolve in a hopscotch and herky-jerky pattern into a policy.

The purpose of the sense-of-the Senate resolution is to make it clear that before the President can take military action in Haiti, and there has been a tremendous amount of discussion of that being an option which this Presidency is considering, that before the President pursues military action in Haiti he must come to this Congress and explain why and receive the approval of this Congress, we would hope, but at the minimum explain why he has pursued that course.

There is, of course, talk specifically that this administration is considering invading the nation of Haiti. That is a rather dramatic act for any nation to take vis-a-vis another nation.

And we recognize that the problems of Haiti are dramatic and significant and that the Government of Haiti hardly qualifies for that term. But still a decision to invade that country demands an open and honest debate on the floor of this Senate before it is pursued if it is a premeditated act and something that is done for the purposes purely of executing public policy rather than for the purposes of protecting American lives or addressing an imminent disaster.

So this sense of the Senate makes it clear that we as a body expect the President, pursuant to the terms of the Constitution and the War Powers Act, to come to us in advance and explain whether or not and why that is the decision he wishes to pursue military operations in Haiti.

Why is this important? Well, it is, first, important for constitutional reasons and very significant constitutional reasons. Yes, the President is the Commander in Chief and as the

Commander in Chief he should have considerable latitude in his role to execute military operations around the globe. But as Commander in Chief he also has, under the Constitution, the responsibility to come to the Congress if he decides to pursue an act of war, and under the War Powers Act equally has an obligation to come to the Congress should he decide to pursue an action that involves an act of war, and clearly the invasion of Haiti is an act of war if that is a decision that is made and if that action is taken for political purposes or to accomplish a foreign policy goal.

Therefore, from a constitutional standpoint, it is very important that this Senate make it clear that we have a role on a decision of that magnitude as it impacts a sister nation in our hemisphere.

Equally important is the fact that before an invasion is to occur, if that is the decision and the policy this administration moves to, and it appears to be the decision unfortunately that they are pursuing, that before an invasion occurs of a neighboring nation, we, the Congress, and more importantly, the American people need an explanation of why and need to have a public debate as to why we would take such an act, why we would we put American lives at risk, why would we use American power to possibly take the lives of our fellow citizens in this hemisphere.

And this administration to date has not given us a definition of policy on the issue of Haiti. In fact, it has not given us a definition of policy on a number of international issues. But clearly on the issue of Haiti it has not defined its policy.

I would submit to you there are three tests which must be addressed and passed before we pursue military action in another part of the world, before we put American lives at risk, and those tests involve the following:

First, we have to have an explanation from the administration as to what the nature of the conflict is. Is it a conflict that is resolvable through military force? Or is it a conflict that has been going on for a great deal of time and which has generational roots and ethnic roots and religious roots and, therefore, may well not be resolvable.

Second, we need to know what our national interests are, and they have to be defined very clearly. When you ask an American soldier to put his or her life on the line, you need to be able to tell that American soldier why, you need to be able to tell the loved one of that American soldier why, you especially need to be able to explain that should the unfortunate occur and that soldier loses his or her life.

And third, there must be an explanation as to once American force is used how it will be disengaged, what is the plan for ending the use of the American force, for bringing the soldiers home.

On all three of those counts, this administration has been incoherent relative to the issue of Haiti. We do not have an explanation of the terms of the political situation in Haiti that makes any sense to anyone. One day we hear that we are supporting Mr. Aristide because he was elected. The next day we hear that, well, maybe he is not such a nice fellow and, therefore, we really should not be supporting him. And the next day we hear we are supporting the Governor's Island agreement. Then we hear maybe the Governor's Island agreement has been abrogated and no longer effective and, therefore, we do not want to pursue that either. It has been a back-and-forth manner of discussion, unfortunately.

In the public arena that has no definition to it at all as to the terms of what this conflict involves—should we engage in it and what do we expect the political consequences to be for the nation of Haiti and whether or not we can settle it?

We do know from history, however, that the last time we said we were going to go into Haiti with military force and try to resolve the Haitian political situation through the use of a military action and we expected to spend a few months doing it we ended up there for 19 years, and the overtones from that invasion and that occupation are still fairly significant in not only the Caribbean but throughout South America and especially Central America.

The second issue, of course, is what is our national interest in Haiti. In the arguments made I guess most often our national interest in Haiti and the one that has the most legitimacy is to keep Haitian refugees from coming to the United States. In addition, of course, we have the national interest of seeing the horrible situation Haitian people are confronting resolved in some manner so that they can go on with reasonably organized or orderly lifestyles and not be subject to a government that is basically one of violence and vigilante law.

Those are the two arguments that are made for our national interest, but I think we need to look at them in some depth because they have not been made substantively to the American people in the way the American people can say, yes, that legitimizes our putting an American life at risk.

On the first issue, the issue of immigration, that to a large degree has been created by ourselves through our use of sanctions. We are the ones who have put sanctions on this nation to a point where the only people benefiting from the sanctions are the political thugs who are running the country and the people on the streets are the ones who are suffering those sanctions to the degree where their only option appears to be to sail in small boats and hope wherever they come ashore will be better than where they left. And that was our doing in large part by the use of sanctions which may have been put on with good intention but clearly have not worked and have had, in fact, unintended consequences that have significantly deteriorated the situation and generated, in fact, the immigration, the outpouring of people from Haiti.

And so I do not think we have many excuses in the area of the excessive outflow of people, the immigration into the United States of Haitians. We do not need to look much farther than ourselves to find a cause for that action that presently is occurring, and it is occurring in this case because we changed our policy relative to dealing with the people once we met them on the high seas. At least for a while we were saying to these people, "I'm sorry. You are simply not going to be allowed into the United States. Therefore, turn back and go home."

Now we are saying to those people, we are holding out that light of hope that says: Some of you we are going to be let in; some of you we are going to be send back. We are going to put you on a ship, this hostile ship, to evaluate you. Maybe we will send a few back, maybe we will keep some of you here.

Obviously, we have held out hope that, if you get in a boat and you take off from the coast of Haiti, you have an opportunity to maybe get into the United States and get political asylum. It was a foolish and stupid decision which has been totally counterproductive, as has the tightening down of the sanctions on Haiti, leading to basically the only people benefiting from that being the hoodlums who are running the country who are now able to earn more profits from the black market which they control.

The administration has fostered, for all intents and purposes, because of this policy, because of the sanctions policy and because of its policy of holding out hope of political asylum to a few, has fostered, in large degree, the outpouring of people in boats from Haiti.

Had we, and we should have, actually, in my opinion, taken the position which we were taking, which was to say, "I'm sorry; we will not accept you; you must go back," then you would not have had people setting sail in such large numbers as they have been over the last few days.

And so I do not think that you can justify, and I do not think this administration can justify, invading Haiti because of a problem of people leaving Haiti which was created by this administration's policy, unless, of course, that was the intention. And I shall not attribute such cynicism to this administration, because I do not think it is there. But clearly that appears to be the primary reason for justifying invasion—the outpouring of people from Haiti who may end up in the United States.

I can understand the concerns of States along the gulf, especially Florida, which are having to bear the great burden of this foolish policy. But I do not think that we should further aggravate an already poor policy with a dramatically worse policy of putting American lives at risk and invading a neighboring country in order to try to correct the initiatives which have been taken by this administration which have failed.

And, second, there is the issue of, well, we should go into Haiti to restore the elected government of Aristide and replace the recognized thugs who are running the country.

Well, I do not know about you, and I do not know about other Senators in this Chamber, but I would find it extremely difficult to go to a wife or to a mother or to a father of an American service person who might die in such an invasion should the administration pursue it and say that they died to put in power Mr. Aristide.

There are too many questions about this gentleman. Yes, he was elected, we recognize that, and we wish to support democracy. But we do not support all people who have been elected to all offices around this globe. And when the type of questions which have been raised about Mr. Aristide exist, I find it very difficult to say that we are going to use American force to support his reinstitution into position.

But if the administration feels that way, if they feel that their failed policy relative to immigration, with the Haiti nation people leaving as boat people, needs military response, and if they feel that they must use a military response in order to put Mr. Aristide back in power, then that is the right of the President of the United States to make that decision.

But it is also his obligation, before he uses American troops to do that, to come to this Congress and this Senate and tell us he is going to do it, so that we may raise that issue to the proper level of debate that a democracy requires and especially so that the American people will have a chance to hear the debate in an open and viable forum and be able to make their own decision.

Because I think what we learned in the Desert Storm experience—as I recall, at the beginning of Desert Storm, there was not a whole lot of public support for that—but what we learned in the Desert Storm experience was that the American people, when educated on an issue of American military force, will act responsibly and that this Congress will act responsibly and that decisions will be made that are consistent with our constitutional framework, and that will actually enhance the power of the President to use military force if that is his decision.

That is true in a democracy. If you tell the people and you get their support, the power of the leadership on the issue becomes much stronger.

And so this sense of the Senate is a follow-on to a sense-of-the-Senate that was passed by this legislative body last year. It says that before a military operation can occur in Haiti, such operation should be authorized in advance by the Congress, unless the military operation is for the purpose of, one, saving American lives, or, two, confronting a catastrophe that is of a military nature that requires immediate response.

That is the purpose of this amendment, this sense of the Senate.

I do feel, considering the time and the nature of the present events that are occurring and the way that the movement now appears to be going within our foreign policy, that it is very important that this body reaffirm its right to that type of advanced authorization and warning from the President. Because it appears to be fairly clear that this administration, as a result of the failure of its policies on Haiti, is moving up to a higher level of action and maybe moving toward an invasion. Before that occurs, I think this Congress has a right to address the issue.

I yield to the Senator from Kentucky.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on general principle, I feel very strongly that we should have congressional votes before we move our troops into any type of an invasion, absent the kind of emergency situation that has been discussed on the floor.

I know that a somewhat similar amendment or similar resolution to the one proposed by the Senator from New Hampshire passed this body, I believe, 98 to 2 here within the past year.

At the time of Desert Storm, I had urged President Bush and the congressional leadership, because of the deep divisions on that issue in the Congress, that there should be a vote. With some misgiving, I believe, the President and others tended to finally agree. We had a vote. It was a closely divided vote in this body.

But, having had the vote, we then gave strong support to the munition and manpower needs and financing and even some foreign aid issues necessary to support Desert Storm. Those who had opposed the action, like myself, and those who supported the action joined together after a congressional vote in favor of it to give President Bush and our allies the tools they needed.

I would note just one thing, while the Senator from New Hampshire is on the floor, because much of what he says I agree with. But there is one area where I would express some concern. When you say that, albeit the fact that President Aristide was elected, we are not about to support every elected official, he was elected rather overwhelmingly in Haiti. If we are going to stand up for the idea of Democratic elections, we do not have quite that luxury to pick and choose.

I would contrast this with our administration's strong support of the Emir of Kuwait. The Emir of Kuwait, if one can believe the independent news stories about him, has a lifestyle that would bring about an indictment in any one of our 50 States on everything from morals to drug usage. The Emir of Kuwait did not have enough concern about his own country, that—I mean, not only at the first sign of invasion he was out of there, living in great luxury in Saudi Arabia, but even after his country had been liberated it was beneath his dignity to return to his own country until the American taxpayers had footed the bill for the Corps of Engineers to outfit a palace for him, if news stories are to be understood or to be believed—and they were not disputed—with gold plated bathroom and toilet fixtures. Then, when that was set up, and only then, and only after many of his own people died, and only after Americans had died, and only after allies had died to protect this kingdom, then he finally saw fit to come back.

This is a man who leads a lifestyle that would make Nero blush with shame, even though he is one generation away from living in a tent in the desert, keeping warm by fires from whatever might be available. He was not elected by anybody. We were willing to add tens of billions of dollars to our deficit, put in harm's way hundreds of thousands of Americans, spend down our munitions and so forth, to go to save him and his country.

There are a couple of differences. He was not elected, as I said. In fact he did not even care enough for his country to come back until all his creature comforts were restored. I am trying to think what other difference.

One does occur. One does occur. Haiti is the poorest country in the hemisphere. Kuwait has huge oil reserves. I suspect somewhere, somewhere that might have allowed us to overlook the immorality of the Emir of Kuwait, drug usage by him, what appeared at least on the surface to be less than any bravery and attachment to his country, huge human rights violations within his own regime, an antipathy toward the United States demonstrated in vote after vote in the United Nations, risk to our own people, huge cost to our Treasury, deaths of so many brave Americans and our allies, veterans who still suffer from that combat. But there was that little matter of oil. I just mention that for what it is worth.

I know the Senator from North Dakota was seeking recognition. I apologize but I did want to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will be happy to relinquish the floor with the understanding I be recognized at the end of the time the distinguished Senator from North Dakota is about to use.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I thank the managers of the bill for their courtesy.

Let me say in comment that Haiti is an extraordinarily complicated problem. I have been in Haiti. I have stood in the neonatal clinic there and held in my arms babies who are dying. This is a desperate, desperate situation in Haiti. I do not know the answer to it, but I hope we have a long and productive debate on what our Haiti policy ought to be.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. It is my understanding the Senator from New Hampshire would like to have the floor just very briefly. So I will yield the floor.

AMENDMENT NO. 2117, AS MODIFIED

Mr. GREGG. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

Sec. . UNITED STATES MILITARY OPERATIONS IN HAITI.

(A) REAFFIRMATION OF POLICY.—Congress reaffirms the policy stated in section 8147 of Public Law 103-139 (107 Stat. 1474) regarding Haiti.

(b) LIMITATION.—None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

Mr. GREGG. Mr. President, let me quickly explain. My modification makes this, rather than a sense-of-the-Senate, a rule of law, making it a condition of funding that the President first contact and advise us in advance before he uses military force in an invasion of Haiti.

So rather than being a sense-of-the-Senate, this makes it a statement of law. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to commend the distinguished Senator from New Hampshire for his amendment, particularly as now modified. And I also want to make some observations about the use of American force.

My good friend and colleague from Vermont was discussing a moment ago the morality of the royal family in Kuwait and what their human rights record might be as somehow relevant to the Persian Gulf war. I submit, Mr. President, the Persian Gulf war did not have anything to do with human rights in Kuwait, did not have anything to do with the morality of the royal family. It had to do with American national security interests. That is what the Persian Gulf war was all about.

Certainly, the fact that Saddam Hussein, if he had been allowed to go into Saudi Arabia, would have controlled 50 percent of the world's oil supply was a very relevant issue. I do not think we should make any apologies about that. Why should we feel in any way embarrassed about the fact that control of 50 percent of the world's oil supply was a major factor in the fighting of the Persian Gulf war?

So the morality of the royal family or the human rights record of Kuwait was largely irrelevant. It had nothing to do with why the Persian Gulf war was fought. We fight wars when it is in our national security interests to fight wars.

The point the Senator from New Hampshire is making is there is a very legitimate concern among many of us as to whether or not an invasion of Haiti is a good idea or in our national security interest. Maybe the President can make that case and, as I understand the amendment of the Senator from New Hampshire, what he is saying is come to us and make the case in advance. Make the case.

The reason this is an appropriate amendment is because of the waffling of this administration on the Haiti issue. I will just cite for my colleagues some examples.

First, with regard to the sanctions issue. In November 1993, the President said:

> Sanctions were a bad idea because they would hurt the poor and would not guarantee the military government's surrender of power.

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In February 1994, the administration encouraged Aristide to compromise with Haiti's military and ignored Aristide's calls for sanctions.

In April 1994, the President called for a global embargo and changed his mind about compromising with the military. One position in November, a different position in February, a different position in April.

In May 1994, the embargo is enforced. Clinton shows he is not as concerned about the embargo's effect on innocent Haitians at that point. Then in June 1994, the administration forms new, tougher sanctions that, in effect, hurt Haiti's rich and spare the poor, because now we are not allowing flights to the United States. Of course, that is only going to impact the people in Haiti who have the money for an airline ticket.

So the reason for the amendment of the Senator from New Hampshire is that we cannot seem to get a steady hand here at the tiller when it comes to Haitian policy.

Look at the issue of military use. Before May, the President apparently did not consider using military force—before May.

May 3, the administration said it was reconsidering using force.

May 20, the administration lists reasons to use the military.

And on June 9, the administration shifts emphasis to sanctions because of criticism of potential military use.

So one issue 1 week, another position 2 weeks later, and another position 3 weeks later.

With regard to refugees, during the election we all recall—I see the Senator from Georgia on the floor, the Senator from New Hampshire of course offered the amendment. They were running in 1992. We remember candidate Clinton criticized the Bush policy for taking fleeing Haitians back to Haiti. That was candidate Clinton in 1992. After the election, the new administration adopted the policy of the old administration, a 180-degree flip.

Then on May 7, 1994, with regard to the refugee issue, the President rethinks the U.S. position on refugees.

May 9, he shifts his positionmaking processing available for refugees on ships.

May 17, Haitians are still being sent back.

I just cite these as examples of constant shifting of position by this administration on Haiti, leading the Senate not to have a whole lot of confidence in the administration's policy, thus, the amendment of the Senator from New Hampshire suggesting, now in binding form, that the President come here and make his case in advance as President Bush made his case in advance with regard to the Persian Gulf war, that that same approach ought to be used with regard to any kind of military invasion of Haiti.

There has been some concern around here that as soon as the Senate and the House left town, the invasion would occur. I hope that is not what the administration has in mind. But I think we want to send a message here that we would like to know something about it in advance. We are here this week. We are debating foreign policy. There are a number of Senators on the floor concerned about it.

I see the Senator from Georgia who has been extremely interested in this issue and will speak momentarily. We need to have this debate now in advance.

So, Mr. President, I see the Senator from Georgia is here, and I know he is anxious to speak on this. I yield the floor at this point and will resume the debate later.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise in support of the amendment offered by the Senator from New Hampshire, and others. We had an opportunity to hear from former Congressman Gray, special adviser to the President, on the question of Haiti yesterday. I advised Mr. Gray that I could be counted among those who very much opposed the concept of an invasion of Haiti. I pointed out at that time that I would not want to be the messenger to any American family of the death of their son or daughter engaged in the resolution of a significant domestic crisis in Haiti.

Everything we do now is definitional as we approach a new century. Are we saying or contemplating saying to this hemisphere that every time there is a significant domestic internal crisis that the U.S. Marines are going to show up? Is that what we are contemplating saying, because certainly that would be what the hemisphere would see.

We would be saying, because there is an interruption in democracy in a country in our hemisphere, that that is grounds for invasion. My heavens, in the last 15 years, we have had similar incidents in Ecuador, Honduras, Chile, Uruguay, Argentina, Grenada, and Suriname.

Are we saying that the message to the hemisphere is going to be that each and every time there is an interruption of this sort that the United States will be the resolver, will pick the solution? This sounds an awful lot like nation-building, a new term that we talk about often. It reminds me of Somalia where the outside force is dictating what the internal resolution should be.

My remarks in no way suggest that I am not sympathetic with the grave concerns that are occurring there. It is a most serious problem. There is great human suffering. Clearly, the junta has no moral standing. But I suggest that we should consider very, very seriously whether or not we want to say to the hemisphere, the United States is the resolver of every democratic interruption in our hemisphere; that American lives are going to impose the outcome of domestic crisis in every country in our hemisphere.

The Senator from Vermont was a moment ago talking about distinction. There are distinctions, very pragmatic ones, indeed.

Are there any Americans being held hostage in Haiti? Not to my knowledge. Are there Americans under immediate threat of harm in Haiti? Not to my knowledge. The United States has asked all Americans to leave, and the only ones remaining there have chosen to do so, wisely or unwisely.

Are there any strategic interests in Haiti that threaten the vital national security of the United States? Is there a passageway? Are there oil or strategic materials produced there in this poorest country in the hemisphere? No, no, and no.

That leaves us with only the theory that it is the responsibility of the United States to resolve internal domestic crises. For me, that answer is also no. We should be engaged in international pressure. We can debate the degree of these sanctions and who is affected or not. We can encourage other member states of the hemisphere to exact pressure. We can engage in international negotiation. We can involve the United Nations. But I cannot, for the life of me, see how we could turn to one family, one parent and say we decided to put your son or daughter at the threat of death or bodily harm over this domestic crisis. Nor do I believe we can say to this hemisphere, in good faith, that we are establishing a doctrine by which the United States is the ultimate resolver and judge over every domestic crisis.

So an amendment such as offered by the Senator from New Hampshire, which says there must be grave consultations on a matter of this nature, is absolutely correct. We are not only talking about Haiti; we are talking about American policy in our hemisphere and beyond. He does not deny the President his options. He ensures America an open dialog on the question that affects her sons and her daughters.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my friend and colleague, Senator GREGG, from New Hampshire for this amendment.

I wish that this amendment was not necessary, but I think, unfortunately, it probably is. We keep reading things, we keep hearing things; that the administration is tightening down on the economic embargo in Haiti. And now we see more and more refugees leaving Haiti, creating somewhat of a crisis atmosphere, and more and more people talking about military intervention as a real possibility, reports in papers that the military is preparing for such an event.

Mr. President, I rise in strong support of the amendment introduced by the Senator from New Hampshire. The Clinton administration's policy on Haiti has been one of one failure after another. To cap off this failure, this administration, by all accounts, is seriously considering an invasion and occupation of that country for the purpose of returning the deposed President Jean-Bertrand Aristide to power. I think such a move would be a terrible mistake.

I would like to draw to my colleagues' attention a series of editorials that appeared on the Wall Street Journal editorial pages on June 16, 1994. Mr. President, I will ask unanimous consent that these all be inserted in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NICKLES. Perhaps the most disturbing thing is that the Clinton administration's plan to invade Haiti is an open secret up at the United Nations in New York. On May 24, there was a high-level meeting of nervous U.N. officials who fear they may get stuck with the baby after a United States invasion of Haiti. Another article, "From Port-au-Prince to Gucci Gulch," by Christopher Caldwell, is an abridgement of a much longer article that appeared in the July 1994 issue of the American Spectator. Mr. Caldwell chronicles the behind-the-scenes political machinations in Washington that are closely tied to the administration's determination to put the highly unstable, violence-prone, and anti-American Mr. Aristide, back in power no matter what.

It appears the Clinton administration is planning to return Aristide to power with American military force. The administration is itself creating the very conditions it points to as justification of an invasion, with its sanctions policies and stepped-up processing of asylum claims. Both of these policies, working together, encourage more and more Haitians to risk their lives trying to get to the United States.

For ordinary Haitians, it is a carrot-and-stick policy. The tightened sanctions are the stick deepening the misery of what is already the poorest county in the hemisphere. The stepped-up processing of claims—some one-third of Haitian migrants intercepted on the high seas have been receiving asylum status in recent days, much higher than the usual rates—are the carrot. And now, because these policies mean more Haitian boat people, we supposedly have no choice but to send in our troops.

Mr. President, I would like to review for a moment the administration's policy, and look at how we got to this point. As some might remember, candidate Clinton talked big on Haiti in 1992:

> I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti before considering their claim of political asylum. * * * This policy must not stand. * * * If I were president, I would * * * give them temporary asylum until we restored the elected government of Haiti.

That was May 27, 1992. You did not need a crystal ball to figure out what followed: an unprecedented frenzy of boat-building activity in Haiti, with launch dates set for Inauguration Day, 1993. Most Presidents at least wait until they get into office before they start breaking campaign promises. But on January 14, 1993—1 week before taking the oath of office—President-elect Clinton reversed himself and reinstated the same Bush policy he had trashed during the campaign.

This episode pretty much set the tone of the Clinton policy on Haiti. To take another example: in their 1992 campaign manifesto, Putting People First, the Clinton-Gore team pledged to insist that our European allies observe the embargo on Haiti, especially with regard to oil. It then turns out, in April of this year, that the United States has been buying black market oil for our Embassy in Haiti, not only undercutting the sanctions but putting money in the pockets of the government we are trying to get rid of.

We should also remember the S.S. *Harlan County* episode of October 11, 1993.

Keep in mind, this happened not too long after 18 American servicemen were killed and 78 wounded in Somalia, in large part thanks to the refusal by Clinton appointees at the Pentagon to agree to requests from the military to give our troops the right kind of equipment, such as armored personnel carriers, to defend themselves.

As we all remember, American troops were sent to Haiti as part of a U.N. peacekeeping force to help implement a negotiated settlement that would put Aristide back in power. But the military men now running Haiti watch CNN too. They figured that the United States has been so easily humiliated in Somalia, they could probably get away with the same thing. It turns out they were right. A demonstration by some lightly armed thugs was enough to send us steaming back toward home.

So now we are faced with the possibility that the administration will seek to vindicate its failed policy with the ultimate folly: sending in U.S. troops. No less than Boutros Boutros-Ghali said at that May 24 meeting in New York described in the Wall Street Journal that the United States will repeat the Somalian experience.

I think that's right—this will be Somali all over again. It will be another impossible exercise in nation building, with maybe some warlord-chasing on the side. Except maybe we will not get out of it as easily as we did from Somalia. Last time we were in Haiti it was for 19 years.

Mr. President, this administration has not explained how, if we go into Haiti, this will further United States national interests. The Clinton administration has failed to set out any reasonable criteria for the use of United States troops in Haiti. The Clinton administration policy toward Haiti is obviously and disproportionately motivated not by a sober assessment of American national interests but by an inappropriate and misguided deference to United States domestic political considerations. It is obvious that the Clinton policy is very closely, and unwisely, tied to the personal political fortunes of Aristide, whose own commitment to democracy and human rights, respect for his political opponents, and propensity to violence has been the subject to controversy. At the same time, no one can claim that the solutions to Haiti's persistent social, economic, and political problems can be successfully resolved by direct military intervention of even the most well-intentioned foreign countries or international organizations.

In my opinion, there should be no deployment of United States Armed Forces into Haiti for the purpose of reinstating Jean Bertrand Aristide as president of Haiti.

Finally, we cannot forget that the Clinton administration has demonstrated a clear lack of strategic vision with regard to not only United States policy toward Haiti but in other trouble spots around the world such as Bosnia, North Korea, and Somalia. In short, Mr. President, military intervention in Haiti is a bad idea.

I strongly support the amendment of my colleague, and in my opinion there should not be deployment of United States Armed Forces into Haiti for the purpose of reinstating Mr. Aristide as President of Haiti. I am afraid, if we start this venture, the United States will be stuck in nation-building in Haiti for a long, long time.

Again, I wish to compliment my colleague from New Hampshire.

Mr. President, I ask unanimous consent to be added as a cosponsor to the amendment.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

EXHIBIT 1

[From the Wall Street Journal, June 16, 1994]

REAL VOODOO

A lot of people are wondering whether the United States is going to wake up some morning to discover that Bill Clinton's foreign policy has invaded Haiti. The usual take on invading runs something like this: Yes, it would be a drop kick for a big U.S. invasion force to drive the army out of Port-au-Prince, but then. . . .

But then what? The questions and issues that lie beyond that "but then . . ." are more than a little intriguing. Problem is, hardly anyone seems to want to ask them, defaulting the decision about invading a place no serious person wants to invade to Bill Clinton's impulses and the political interests of the congressional Black Caucus.

One group that appears to be worrying alot about this issue is the people who set policy at the United Nations in New York. In the columns alongside, we publish excerpts from a rapporteur's notes on a meeting about Haiti that took place on May 24 among U.N officials.

In the aftermath of any invasion, "The Americans will be applauded and the dirty work will come back to the U.N.," Dante Caputo was quoted as saying at the May 24 meeting. "With Aristide as president, during two or three years, it will be hell," said Dante Caputo, the U.N.'s special rep for Haiti.

Then there's the voodoo issue, likely to make the U.N.'s "dirty work" even dirtier than usual. An AP dispatch out of Port-au-Prince Sunday reported a speech by interim Haitian "president" Emile Jonassaint, who cited "protectors they don't know about" and ended by invoking Agawou, the voodoo god of strength. President Clinton's special

adviser on Haiti, William Gray, minimized the speech, noting that it was given at 2 a.m. Haitians understand that as the hour when secret societies meet.

Voudoun is an ancient African religion, known by other names in other Latin nations. But it takes a special meaning from Haiti's history. Since the successful slave revolt against the French in 1804, there has been a clandestine power of societies, sometimes called bizango and led by hougan. They are expert at poisons, used with great effect against the French. In 1986, ethnobotanist Wade Davis identified the chief ingredient of "zombie power" as tetrodotoxin, drawn from puffer fish and indeed capable of producing a deathlike trance. We suggest that any peacekeepers could reasonably demand that anything they ingest be shipped in from Guantanamo Bay.

Yet the congressional Black Caucus finds it in its interests to order up a large U.S. commitment to solving the disarray of a country that is organized around ruthless, clandestine factions driven by religious and nationalist crosscurrents. The caucus's champion is ousted President Jean Bertrand Aristide, an unpriestly priest whose followers, when he was in power, burned down the 250-year-old Catholic cathedral and stripped that papal nuncio to his underwear and paraded him. And recall that Commerce Secretary Ron Brown's interests in Haiti originated with being a paid lobbyist for the Duvalier government. Our only conclusion here is that the political world of Father Aristide, in Haiti and in Washington, is a mishmash that we wish we knew a lot more about. (Christopher Caldwell attempts elucidation in the columns nearby.)

In checking out the U.N. documents we've reprinted, we spoke with Alvaro de Soto, senior political adviser to the secretary-general, who neither denied nor confirmed their accuracy. However, Mr. de Soto did want to tell us that institution building in any country emerging from deep-rooted fratricidal conflicts requires patience and the cooperation and ability of former enemies to compromise. As the chief architect of the post-war accords in El Salvador, Mr. de Soto knows something about rebuilding civic institutions in torn countries. "You can't impose nation building," Mr. de Soto told us. "If these institutions are imposed on them, it just won't be durable." To date, though, we don't see a shred of evidence that the Clinton administration has thought about institution building in Haiti.

There is certainly a real concern about an unmanageable influx of refugees onto U.S. shores. But the best way to keep Haitians home would be to help create an environment in Haiti less hostile to survival. So far, the Clinton embargo has succeeded only in making nasty Haitians richer, the majority poorer and life on the island nation even more intolerable.

Incidentally, during Haiti's troubles in 1987, we looked into the history of successfully ridding a place of thugs. To rid India of its religious "thug" cults, Lord William Bentinck and Sir William Sleeman between 1831 and 1837 captured some 3,200 thugs, of which 412 were hanged. Such peacekeeping methods have passed into history. Highly motivated thugs in our time, alas, have not.

[From the Wall Street Journal, June 16, 1994]

FROM PORT-AU-PRINCE TO GUCCI GULCH

(By Christopher Caldwell)

President Clinton appears to be seriously considering using U.S. troops to return exiled Haitian President Jean-Bertrand Aristide to power. Taken on their face, the stated reasons for his pro-Aristide policy—stemming the flow of refugees and drugs and improving human rights—are absurd. The refugee flow is due to U.S. economic sanctions; Haiti's role in drug shipments is dwarfed by its neighbors; and Mr. Aristide flagrantly violated human rights during his brief reign.

The administration policy amounts to blind subservience to Mr. Aristide's agenda. It's a warning of what can happen when virtually the entire budget of a sovereign nation is funneled into a massive Washington lobbying and public relations campaign.

After the September 1961 coup that ousted Mr. Aristide, President Bush issued an executive order that Haitian government funds frozen in the U.S. be delivered to Mr. Aristide. While the U.S. Treasury and State Departments have imposed no oversight requirements, the rough amounts of the money Mr. Aristide can tap are known. According to State and Treasury sources, the funds contain upwards of $50 million, and Mr. Aristide's forces have spent more than $30 million so far. Disbursals from the U.S. Treasury started at $500,000 a month and have risen steadily, to their current point of $5.6 million to $5.9 million per quarter.

What is happening to all that money is unclear: During the brief premiership of Robert Malval last autumn, the U.S.-based newspaper Haiti Observateur was leaked a copy of the Aristide government's fourth-quarter budget for 1993, which showed $740,000 per month budgeted for Mr. Malval's ministerial cabinet. The scrupulous Mr. Malval, who was a major Aristide supporter, claims he never received a penny. That $2.2 million has never been accounted for.

The democratically elected Haitian Chamber of Deputies in April asked Secretary of State Warren Christopher for a thorough accounting of Mr. Aristide's expenditures. The request has not even been acknowledged. While it's true that Mr. Aristide is spending Haitian, not U.S. funds, his finances should be of concern to U.S. taxpayers. The handover of Haitian assets to Mr. Aristide violates the Haitian constitution and possibly international law. "When this is all over," says one American consultant to Haitian interests, "the Haitians are going to sue us for the money Aristide has spent, and we're going to have to pay it all back."

Since his arrival in the U.S., Mr. Aristide has used those funds for a public relations blitz. Miami attorney Ira Kurzban gets a six-figure salary as Mr. Aristide's lawyer. Another lawyer, Haitian-American Mildred Trouillot, is paid $6,000 a month, plus rent, expenses and office space. Mr. Aristide also engaged the services of Rabinowitz, Boudin, Standard, Krinsky & Lieberman to defend him against a $10 million suit filed in Brooklyn by the widow of Roger Lafontant, a Haitian coup leader slain in prison in 1991, allegedly by Aristide supporters. The law firm was paid tens of thousands of dollars out of the Haitian treasury before the suit was finally thrown out.

Mr. Aristide's PR is coordinated by the firm of McKinney & McDowell, which charges $175-per-hour of its services. However, the Aristide budget printed by the Haiti Observateur has no money earmarked for public relations. That led the newspaper's editor, Raymond Joseph, to speculate that the Aristide government has been fabricating its outlays to dupe the U.S. into releasing frozen funds.

But Mr. Aristide's most effective representative in the U.S. has been former Rep. Michael Barnes (D., Md.). As chairman of a House Foreign Affairs subcommittee in the 1980s, Mr. Barnes was among the most outspoken leaders of the congressional effort to thwart supply of the Nicaraguan Contras. Today, Mr. Barnes is all for U.S. intervention—in Haiti.

Mr. Barnes has used his connections to give the Aristide government a beachhead inside U.S. foreign policy, and earn his current firm, Hogan & Hartson, compensation that started at $55,000 a month. (In March, perhaps reacting to the Aristide government's straitened circumstances, the firm cut its retainer in half.) Mr. Barnes has claimed to charge Mr. Aristide half his going rate, but that still adds up to big money: $303,237.60 for billings between Sept. 29 and Dec. 7, 1993, to take the last period for which records are available. (Mr. Barnes did not return repeated calls seeking comment.)

According to an Aristide source, when associates of the exiled president expressed unhappiness with Mr. Barnes's work in late 1992, Mr. Barnes was able to play his trump card—his access to the incoming administration. He had run the Clinton campaign in Maryland. What's more, deputy national security adviser Samuel R. "Sandy" Berger, who is in charge of Haiti policy at the National Security Council, is by all accounts a close friend of Mr. Barnes. Just four months after Mr. Berger left his partnership at Hogan & Hartson to take up his administration post, Mr. Barnes pulled up stakes at Arent, Fox, Kintner, Plotkin & Kahn and took his account to Hogan & Hartson. This potentially brings millions into a firm that Mr. Berger will have every right to rejoin after his White House stint.

Dealing with Haiti at all may have become a serious ethical violation on Mr. Berger's part. The issue was first broached by Rep. Frank Wolf (R., Va.), after an article in the National Journal raised questions about Mr. Berger's negotiating most-favored-nation status for China after having lobbied for Payless Shoes, a major Chinese trading partner. Then-White House counsel Bernard Nussbaum found no conflict. Nonetheless, he said in a May 12, 1993, letter, Mr. Berger "has a 'covered relationship' with Hogan & Hartson for a year after severing his relationship with that firm, and [we] would be required to undertake the same inquiry if Hogan & Hartson represented a party in a particular matter."

Five days after that letter was written, Michael Barnes brought the Haiti account to Hogan & Hartson. Since Mr. Berger's "covered" status with Hogan & Hartson didn't expire until Jan. 19, 1994, an inquiry should have been opened into his Haiti role, and Mr. Berger should have recused himself from Haiti policy until his covered period expired. It is unlikely that any such inquiry was ever launched, for by Nov. 14, 1994, the Washington Post was describing Mr. Berger as the "principal driver of the U.S. policy of supporting Aristide's return."

According to Justice Department records, Hogan & Hartson had direct phone contact with Mr. Berger during this period to discuss the "restoration of democratically elected government in Haiti." (White House counsel Lloyd Cutler later wrote me that Mr. Berger did consult both the White House counsel and the NSC's legal adviser, and that both approved his participation.)

All of these questionable dealings should, at the very least, give Americans pause as President Clinton continues his campaign to return Mr. Aristide to power.

U.N. VIEW OF HAITI INTERVENTION

On May 24, officers of the United Nations gathered in New York to discuss the possibility of a U.S. invasion of Haiti and the role the U.N. might play in the aftermath. In attendance at the meeting were: Dante Caputo, special U.N. representative for Haiti; Boutros Boutros-Ghali, secretary-general of the U.N.; Rosario Green, assistant secretary-general; Alvaro de Soto, senior political adviser to the secretary-general; Chinmaya Gharekhan, special political adviser to the secretary-general; and Fabienne Sequin-Horton, rapporteur.

The Wall Street Journal obtained a copy of the rapporteur's notes on the meeting (prepared a day later), excerpts of which we publish below.

Mr. Caputo explains that . . . the Americans will not be able to stand for much longer, until August at the latest, the criticism of their foreign policy on the domestic front. They want to do something; they are going to try to intervene militarily.

The secretary-general wonders if President Aristide could invoke Article 51 of the [U.N.] Charter in order to call for a military intervention.

Mr. de Soto says that the [Haitian] constitution prevents him from doing so.

Mr. Caputo thinks that after having asked for the intervention, Mr. Aristide will condemn it. Moreover, the U.S., that wants to obtain the Security Council's blessing, is now actively studying the means to accord a legal protection to this affair.

Mr. de Soto recalls that this idea recently provoked a general protest among the OAS [Organization of American States].

What can the U.N. Secretariat do, either to avoid or to encourage this intervention? asks the secretary-general.

Mr. Caputo predicts a disaster. The U.S. will make the U.N. bear the responsibility to manage the occupation of Haiti. "With Aristide as president during two or three years, it will be hell!" It is not so much the armed intervention itself that we have to avoid. What we do not want is to inherit a "baby." For the Americans are fixing to leave quickly. They would not intervene if they had to remain.

Mr. Gharekhan asks Mr. Caputo what he understands by leaving "quickly." One month, replies Mr. Caputo. Who is going to replace the Americans? asks the secretary-general.

"Us," replies Mr. de Soto. The Americans will be applauded and the dirty work will come back to the U.N. The only thing that could discourage the U.S. would be to not obtain any contributing countries for mounting a multinational operation. . . .

The secretary-general recalls that in the past, the U.S. was able to show that it could mount a multinational force, if only in appearance. "Must we say that we think that a military intervention in Haiti would be negative?"

Mr. de Soto thinks that insinuating the possibility of an armed intervention is working to produce a certain effect in Haiti. The [Haitian] military leaders are nervous. . . . It would thus be politically dangerous to publicly discourage this menance. . . .

The Secretary-general fears that the U.S. will take a unilateral decision and that it will repeat the Somalian experience. The main question remains knowing what to do to avoid this unpleasant role for the U.N.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS], is recognized.

Mr. HELMS. Mr. President, thank you very much.

Mr. President, have the yeas and nays be obtained on this amendment?

The PRESIDING OFFICER. No.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I am amazed at the speculation around this town that the President is preparing to order United States forces to invade Haiti while the Congress is in recess. I cannot believe that. Surely they have not gone out of their minds entirely down on Pennsylvania Avenue, because if the President in fact does do that I suspect it will be a decision he will long regret. The American people will hold him accountable, particularly when and if the first body bag comes back because the American people are opposed to this. The Congress has made clear on a number of occasions that both Houses of Congress, the House and the Senate, are opposed to it.

The President, of course, has constitutional authority to order such an invasion. Nobody questions that. But I cannot believe that he will do it without consulting Congress. Consultation will not consist of a last-minute call to the chairmen and the ranking members of the Foreign Relations Committee and the Armed Services Committee, et cetera. He had better sit down with leaders on both sides of the Capitol, and both sides of the aisle on both sides of the Capitol, and talk this thing out.

Furthermore, I have been assured as ranking member of the Senate Foreign Relations Committee by both the White House and the State Department that this is not going to happen.

So I am so pleased with my friend's amendment because it will remind the White House and the State Department, if they need reminding, that they had better consult the Congress.

On October 21 of last year the Senate voted 98 to 2 in opposition to using United States troops to invade Haiti. Then on May 3 of this year, Deputy Secretary of State Strobe Talbott assured the Foreign Relations Committee that an invasion was not imminent. On June 15, the President's special adviser on Haiti, William Gray, gave the same assurance at a House Foreign Affairs Committee meeting.

I say again to the President of the United States that Congress is opposed to an invasion and has said so repeatedly. My advice, for whatever it is worth, to the President of the United States is do not do it, Mr. President. Do not do it.

Regional experts at the State Department are opposed to the invasion, and I am amazed that they have not put an end to the speculation. The Pentagon is opposed to such an invasion. Most importantly, the mothers and fathers out there of servicemen and women are strongly opposed to an invasion of Haiti. Such an invasion is not an answer to Haiti's problems.

So I say again to the President, with all due respect, do not do it. Do not do it. Do not order the United States troops to invade Haiti in July when the Congress is in recess, or at any other time.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like to speak on the proposition that is before the Senate at the present time, which is an amendment to the Foreign Operations Act, which would establish some conditions prior to the President's ability to commit military force in Haiti.

Let me first put this in some context. One of the contexts is what the U.S. Senate did last year in considering this same subject. On October 21, 1993, the Senate, by a vote of 98–2, approved a sense of the Congress amendment to the Department of Defense Appropriations Act, which appears to be virtually verbatim to the proposal that is before us today—with this major exception: The October 21 proposal offered by Senators DOLE and MITCHELL was a sense of the Congress. That was the format of this proposal when it was originally offered. It has now been modified to be a rule of law. So we are about to pass—if we were to follow the advice of the advocates of this amendment—a rule of law to the President relative to the specific country of Haiti, a standard that I do not believe we have adopted for any other site-specific country around the world.

I am a strong believer that foreign policy should be both bipartisan and presidentially led. The best period of American foreign policy in this century was the period that occurred immediately after the end of World War II, at a time when there was a Republican Congress and a Democratic President, under circumstances that might have led to gridlock and stalemate in American foreign policy. It was a period of tremendous creativity in foreign policy. It was during that time that the United States adopted the Marshall plan, the basic structure of NATO, the policy of containment of communism. It was the period in which the basic architecture of free world foreign policy—not only United States foreign policy—lasted 45 years and eventually led to the demise of the Soviet Union, and the Warsaw Pact was

put in place. It was done, Mr. President, largely because there was a cooperative relationship and understanding of our common national interests between Republicans in the Congress, such as Senator Arthur Vandenberg of Michigan, and President Harry S. Truman. I believe that is the tradition of bipartisanship that we in the 1990's should seek to emulate.

I am concerned that proposals such as the one before us today will take us in an opposite direction at the very time when we have the need for sensitivity, for very great awareness of not giving comfort to those who are in opposition to United States and international interests in Haiti, at the very time when we want to give the strongest message of resolve behind our current policies, exactly so that we will not be placed in the position of having to consider armed force. To have a proposal which will be interpreted by the military leadership in Haiti as a signal of division in our country is a disservice to the accomplishment of important United States national objectives.

There are other contexts in which this debate should take place, Mr. President. The United States has had a long, special interest in the Western Hemisphere. The Monroe Doctrine was a statement of the United States special concern for its relations with the nations of the Caribbean and Latin America. The Marine Corps hymn starts "From the halls of Montezuma," which is reflective of our early interest in what was occurring in Mexico.

Within the last few years, we have twice committed U.S. military force to action within this hemisphere—in 1983 in Grenada, and in 1989 in Panama. I was not a Member of the U.S. Senate in 1983, so I cannot speak from personal knowledge as to the circumstances that surrounded the relationship between the Congress and President Reagan in 1983 when the decision was made to commit U.S. force to that island nation. I was a Member of the U.S. Senate in December 1989 when President Bush committed force in Panama. And I can say, Mr. President, with great certitude that that occurred in the last days of December 1989, just prior to Christmas. It was a time when Congress was not in session. There had been no debate on the Senate floor to formally authorize President Bush to take the action that he did in Panama. But, Mr. President, I believe that President Bush exercised appropriate responsibility as United States Commander in Chief, protecting United States interests in Panama and protecting the principle of democracy which had been thwarted when General Noriega overthrew a free and fair election that occurred in Panama earlier in 1989 and denied the democratically elected President the opportunity to accept his position of responsibility.

I supported President Bush in 1989. I believe that he used American power appropriately to advance American national interests. I believe the interests of the United States would have been disserved if a Democratic Congress in 1989 had attempted to deny the Commander in Chief the ability to use that kind of authority in the maintenance and advancement of U.S. interests.

Our policy in Haiti has been the policy through two Presidential administrations. When President Aristide was removed from power at the end of a rifle in September 1991, President Bush immediately committed the United States to a policy of restoration of President Aristide. And throughout the balance of his term, he used various measures, including sanctions, as a means of accomplishing that objective. President Clinton has also had as the touchstone of United States policy in Haiti the restoration of the democratically elected President Aristide.

It has been suggested that rather than a bipartisan position of two U.S. Presidents, we are engaged in some precipitous act, that we are flailing away and about to act in a reckless manner. I point out that when we talk about our relations with Haiti, we are not talking about a country that is halfway around the world; we are talking about a country that is in our neighborhood; we are talking about a country with a long history of relationships with the United States.

In fact, Mr. President, as one brief historical aside, but for the fact that the Haitian military in the early part of the 19th century defeated an army of Napoleon, the United States would not have been in a position to have persuaded the French to sell the Louisiana Purchase to this country.

So almost from the beginning of our American history there have been interrelationships between Haiti, the second republic in the Western Hemisphere, and the United States of America, the first republic in the Western Hemisphere.

In December 1990, after a long period, three decades of dictatorial and tyrannical rule, the people of Haiti voted in what was acclaimed by international observers to be a free and fair election. The result of that free and fair election was that Jean-Bertrand Aristide was elected President of Haiti. He assumed office in February 1991. He served in that office for 7 months, and then in September 1991, in an old-style military coup, was banished and has been in exile from that date.

It has now been 2 years and 8 months that President Aristide has been denied his lawful position as President of Haiti.

Both President Bush and President Clinton have committed the United States of America as part of the international community support for democracy to the restoration of President Aristide.

We are not here debating the personality of President Aristide. We are debating whether the United States has a sufficient interest in the protection of the principle of democracy within our own hemisphere to warrant the President of the United States in 1994 having the same Commander in Chief responsibility that President Reagan exercised in 1983 and President Bush exercised in 1989.

I believe, Mr. President, that if we are going to have a credible, sustained policy in foreign policy, that while it is good that we have an active debate, it is critical that we speak to the world with a single voice. I supported President Reagan, I supported President Bush, and I will support President Clinton because they are the persons who have the legitimacy of the election of the people of the United States to be that voice to the world.

The Senator from New Hampshire in his earlier remarks laid out what I think is a fair method of analysis of when the United States should consider the use of armed force. He suggested a three-part test.

First, can the conflict be resolved by military means, or is it a situation which requires some methods other than military means?

Second, are there U.S. national interests that warrant the use of U.S. military force and the inevitable danger into which that will place American fighting men and women?

And third, how do we disengage what is our exit strategy?

Let me discuss those three items as they relate to Haiti:

First, can the United States accomplish its objective through the use of military means?

The answer to that question is clearly yes. Haiti has a small, ill-trained, ill-equipped, incompetent military force. There is no question that the United States in a very short use of combat capability would quickly overwhelm the Haitian military.

When I was in Haiti 10 days ago, it was the expectation of most of the observers that if there were, in fact, conflict, the Haitian military would fade into the population, would not stand and fight. In fact, it was even suggested that some Haitian military personnel wore civilian clothes beneath their uniform so that in the event that they should be called upon to fight during their particular station time, they could remove their uniform, lose their identity as a military personnel, and flee.

The second question is, I think, the heart of the debate, and that is, are their sufficient U.S. national interests to warrant the President of the United States having the authority to exercise his role as Commander in Chief?

I would start by saying that I think there was sufficient United States national interests to warrant President Reagan's action in Grenada and President Bush's action in Panama, and I

would defy those who would impose a different standard on President Clinton as it relates to Haiti to explain why we have a lesser interest in a country which is substantially larger, closer, and has at least as many economic, political, and historic relationships to the United States and potential to inflict adverse consequences on the United States as does Grenada or Panama?

What are the United States interests in Haiti? Let me suggest some of these—and these are not original.

It has been stated that President Clinton has been in some way silent, inarticulate relative to United States interests in Haiti. In fact, I think quite to the contrary. He has been precise and he has been repetitive in stating what those U.S. interests are.

Among others, he has underscored the following:

First, the United States is a signatory to the San Diego Accord to the Organization of American States to which we committed ourselves with the other countries of the OAS to defend the principle of democracy within our hemisphere.

That was not a position taken by President Clinton but rather a position taken by President Bush, and that was one of the reasons that President Bush cited when he stated immediately after the coup that the U.S. position would be the restoration of President Aristide

I believe that if we were to retreat, to surrender, to accept the military overthrow of the democratically elected government in Haiti, we would be sending a horrendous signal to the barracks of the Caribbean and Latin America.

Just 25 years ago, Mr. President, you could count on the fingers of your hand with several left over the number of democracies in the Western Hemisphere. Today, Mr. President, all but two of the nations of the Western Hemisphere, Cuba and Haiti, are democracies. Many of those democracies are fragile, almost all are new, almost all are potentially vulnerable to the same type of military coup that occurred in Haiti in September 1991.

The signal that we would be sending to the barracks, barracks often occupied by the sons and grandsons of the former military presidents of these nations, would be that if they attempt a military takeover of their country, there will be no resolve, no sustained commitment to the protection of their democracies as there had been none to the protection of the democracy in Haiti.

It is very much in our interest, in the interest of the United States of America, that the Western Hemisphere be a hemisphere of stable democracies. It would be very debilitating to our relationships within our own neighborhood if again we had to deal with a series of dictatorships.

Second, Haiti is a neighbor and, therefore, when we see Haiti bleed, as Haiti is bleeding today, it evokes a special sense of empathy.

From February 1 to June 1 of this year, Mr. President, in Haiti there were 295 political murders according to the United Nations human rights observers. From February 1 to June 1, 1994, in Haiti, Mr. President, there were 66 political rapes according to the United Nations human rights observers. Between February 1 and June 1, 1994, in Haiti there were 91 political abductions according to the United Nations human rights observers.

Mr. President, those are descriptive of the conditions under which the 7 million Haitian citizens are now living. Those are conditions which now are coming into the living room of Americans as they are being communicated on a daily basis by the American press.

We have been moved by human rights abuses in Bosnia. We have been moved by human rights abuses in Southeast Asia. We have been moved by human rights abuses in Africa. This is an example of the abuse of our own neighbors.

Mr. President, we are not immune from the impact of these human rights and other political and economic denials.

Admittedly, horrendous things happen around the world. But when horrendous things happen in Haiti, we receive a significant part of the negative aftereffects.

Some of those negative effects are being seen as clearly as on the front page of today's newspapers—hundreds and now thousands of people seeking to flee Haiti, with the United States being the principal destination of those refugees, Haiti having been taken over as a significant new transshipment point for drugs from the production countries of South America to the United States. We are seeing the results of the Haitian dictatorship in our streets and with our children who are increasingly the targets of the drugs that are coming through Haiti.

I believe, Mr. President, that the United States has substantial interests in what is occurring in Haiti. Those interests extend beyond the 8,000-plus American citizens who are living in Haiti and who are at special jeopardy during this period.

A third question that the Senator from New Hampshire asked was: How do we disengage; what is our exit route?

I believe that President Clinton has been following a prudent, sequential policy in terms of our attempts to resolve the crisis in Haiti. We have been following a policy in the past several months of gradually increasing the economic sanctions and the political isolation of Haiti. In the last few days, we have cut off bank accounts for those Haitians wealthy enough to have accounts in the United States. We have terminated commercial air flights into Haiti. We are being joined increasingly by other nations around the world in seeing that those sanctions have the widest possible reach.

Now, I want to be candid, Mr. President, as I attempted to be yesterday in some testimony before the Western Hemisphere Subcommittee of the Foreign Relations Committee. That is, that I personally am not optimistic that those economic sanctions alone will be sufficient to cause this current military leadership in Haiti to voluntarily transfer power back to President Aristide. The unfortunate fact is that during this period, the Haitian military has been using their theft of the sovereignty of Haiti to become enormously wealthy—wealthy by the drug trade, wealthy by the great profits they are taking from contraband through other countries into Haiti.

I believe that we should continue to allow these sanctions, and possibly further increased sanctions, to run for a period of time to test whether they can accomplish that objective. But we may well reach the point where we are faced with an unhappy set of alternatives.

This debate has led one to believe that there is some silver bullet for the situation in Haiti that will come without pain and without consequences and without effect on the United States ability to protect its own interests and to be a credible voice in the international community.

I do not think there are going to be such easy answers. I think that we are going to be faced with the alternative of essentially surrender; accepting the fact that the Haitian military has won; that they have been able to face down the international community, face down the United States; that we would have to begin to accommodate to them to reach some form of working relationship. There would probably be a fig leaf offered in the form of new elections—new elections under the control of this illegitimate government; new elections which would give no sense of legitimacy of that government to the people of Haiti or to the international community. That is one option that we have before us.

Another is to fulfill the commitment that two Presidents of the United States, that the Organization of the American States, and that the United Nations have made collectively, and that is that the democratically elected President of Haiti will be restored to power. And, in my judgment, to achieve that end, if these current economic sanctions and political isolation do not do so, will require the credible threat and willingness to use military force.

I believe that the President of the United States is proceeding in a prudent manner in terms of developing that option should it be necessary. He has been clear that he is not going to take that option off the table. He is not

going to give the thugs in Port-au-Prince the peace of mind that they are secure from military force. He is working with other nations and, I might say, in a particularly effective manner with our former colleague, Congressman Bill Gray, to develop a multinational support for future U.S. action; and a multinational direct participation, first, in a force that would be used to carry out that credible threat and a peacekeeping force which would be our exit strategy that would come in after the President had been restored to power in order to assure an ongoing international presence during the transition back to a democratic regime.

It will be that U.N. presence in Haiti, much like the U.N. presence in El Salvador, that will avoid a repetition of the necessity of a long period of United States involvement in Haiti, such as that which occurred from 1915 to 1934.

But there will be other forms of United States involvement in Haiti during this period of transition. There will be tremendous needs for economic assistance—economic assistance in terms of public sector involvement, assistance in rebuilding a shattered infrastructure for the country, and in creating a climate that will bring back private sector employment which has largely fled the country.

A week ago Sunday, I visited what had been a bustling industrial area near the airport in Port-au-Prince. On that day, it was a skeleton of empty, abandoned buildings, because the assembly industry had fled to other locations.

We are going to have to have an economic plan—"we" being the international community—with the international financial institutions playing a major role, that will be ready to be implemented as soon as President Aristide is restored to power.

We are also going to have to have a role in democratic reform. One of the most immediate will be to separate the police function from the military function so that there will be a professional police force to guarantee the security of the people of Haiti and to assure that human rights are being protected rather than abused by those who have the gun. I am very pleased that Canada is already in the process of training a corps of Haitian exiles who will form the base of a newly professionalized police force that can provide that kind of quality security to the people of Haiti.

Mr. President, this is a very serious debate we are having this afternoon. I would hope that, at a minimum, we would act in 1994 consistent with the manner in which we acted in October of 1993. I hope that, on a larger stage, we would act consistent with the manner which we did almost 50 years ago. With a spirit of bipartisanship, Congress and the President joined hands to develop new approaches to a new challenge to American freedom and democracy, the emergence of a Soviet Union with very acquisitive aspirations around the world.

Bipartisanship served the United States and served the world community well 50 years ago. That same spirit of bipartisanship can do the same in a more complex situation in which we are not facing a single enemy, but a whole series of challenges around the world as we reach the end of the 20th century.

I hope it would be in that spirit of building an American foreign policy to respond to American interests and opportunities around the world in this post-cold-war era that we would begin to evolve in this and other debates on America's position in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, let me just preface my comments by saying I rise in opposition to the amendment, in its current form, of the Senator from New Hampshire. I would like to see if there is room for some discussion with him, with respect to that form.

Obviously the language of the amendment is very similar to an amendment that we passed in the Senate, I think last year it was, as a sense-of-the-Senate resolution. As every one of us knows, there is a huge difference between a sense of the Senate and a resolution which as a matter of law seeks to do more than just express the opinion of the Senate with respect to certain prescriptions on Presidential behavior.

If we are to discuss this issue as a matter of law binding as part of the ops appropriations, then we have a serious problem in terms of finishing the ops appropriations bill, because it would be as equally unacceptable, I might say, on the Republican side of the aisle—as it ought to be on the Democrat side of the aisle—that that kind of curbing of Presidential prerogative, or even this kind of expression of opinion in a binding form, is, in effect, a War Powers Act, a mini-War Powers Act applying specifically to Haiti. If we are going to pass some sort of mini-War Powers Act with respect to Haiti, then we ought to do it in the proper fashion.

I do not think anybody is going to come in here and start applying mini-war powers acts country by country. But that is precisely what binding language seeks to do.

There is a serious constitutional issue and, I might add, there is a very serious diplomatic issue in the context of what is at stake in our current efforts with Haiti. I have been here not long compared to some colleagues, like the Senator from Virginia and the Senator from Georgia [Mr. NUNN] the ranking member and the chairman of the Armed Services Committee, whom I know would feel very strongly on the merits that a binding statement with respect to this has serious implications with respect to Presidential power and prerogatives and the separation of powers. If we want to debate that, just as we have debated for ages, the issues of the War Powers Act, then let the debate begin and let it run on into the Fourth of July weekend.

I might also say to my friends on the other side of the aisle that there is a duplicity of standard here, a serious duplicity of standard. In the few years I have been here, I can remember coming to this floor and we had debates. I think, by and large, with the exception of major confrontations where forces might have already been in the field, or covert, unauthorized activities were taking place, as in Central America, there was debate on Presidential action. But I cannot think of an instance of prior restraint before any kind of activities had taken place that the Congress saw fit to engage in that forum for restraint. It was restraint on action already taken, not a prior restraint.

I can remember supporting President Bush and supporting President Reagan with respect to Panama, Grenada, where people felt there was a justification and certainly Presidential prerogative to immediately take action for reasons that the President saw fit at that time.

I think it is fair for the U.S. Senate to express the reservations that we did express. I voted for it. So I am not opposed to the substance of suggesting to the President that we ought to approach this carefully and for national security interests and the other reasons that are expressed.

But I think you have to look hard at what is really going on here, Mr. President, and question at least whether or not there is more than is really happening.

If you measure the responses that we have heard in the course of the foreign policy debates of the last months on almost every single issue, we hear people complaining about the choices made by the administration, but no offer of an alternative. Or if there is an offer of an alternative, it is an alternative that is kind of casually and cavalierly tossed off without real respect for the consequences of the alternative being offered.

You can look at Bosnia and find examples of this. You can look at Korea and find examples of this. You can certainly look at Haiti and find examples of this where we have heard colleagues recently say, "You have to lift the embargo, that's the solution." For the life of me, I cannot understand how lifting the embargo on Haiti does anything except award to a bunch of thugs the victory that they are already claiming.

Mr. President, this is not good diplomacy, it is not good timing. The administration has appointed——

Mr. McCONNELL. Will the Senator yield?

(Mr. FEINGOLD assumed the chair.)

Mr. KERRY. I yield for a question.

Mr. McCONNELL. Just for a question. I am having a hard time figuring out what the Senator from Massachusetts objects to.

He has, of course, read the amendment of the Senator from New Hampshire, and these stipulations have the word "or" between them. In other words, if the President meets any of these conditions, he would be free to go forward, as I understand it. So I was curious if the Senator from Massachusetts had a problem with subsection 1 which says:

"Such operations are authorized in advance by the Congress."

Is that not the Persian Gulf example?

Mr. KERRY. Mr. President, let me say to my friend, as I just said a few moments ago, the substance does not bother me. I voted for this. I have read every line of it now. I have compared it to the original law that is referenced, and I do not disagree with that. That is not the problem.

Mr. McCONNELL. What is the problem?

Mr. KERRY. The problem is severalfold. No. 1, as the Senator knows, there is an enormous distinction between a sense-of-the-Senate resolution and something that we make into binding law. No. 1.

No. 2, I think the President can make a decision, he can even explain under any of the circumstances that may arise, he can find a justification in this. That is not the issue.

The issue is whether the U.S. Senate has a real need and reason at this moment in time to either curb the President or send this message and, second, precedentially, does the U.S. Senate want to do to this President what this Senator who asks the question would not have done and, in fact, argued against with respect to Presidents Bush and Reagan?

Mr. McCONNELL. I say to the Senator from Massachusetts that I specifically would not support restricting the President's options in advance by saying under no circumstances could the administration invade Haiti. That is not what I understand this says.

I am looking at my friend from New Hampshire. He is shaking his head no. No, that is not what this says. We are not ruling out the possibility of a Haitian invasion in advance. We are simply saying consistent with the Persian Gulf experience that you ought to come to Congress and get it authorized.

And I say to my friend from Massachusetts, the reason for this is all the flip-flopping—back and forth, back and forth—leaving Congress, at least some of us, not to have a lot of confidence and to fear—and it has been mentioned by several people on the floor, including this Senator—that this invasion is likely to occur when we are not around.

Mr. KERRY. Mr. President, let me answer my friend's question and correct him politely at the same time.

This is not like the Persian Gulf resolution, and my friend should remember back to the Persian Gulf resolution where the President of the United States put the troops in and then talked to us. There was no prior approval; there was no prior request for approval. The President put the troops in and explained to the American people why he chose to do it.

The first notice most Americans had was on television when they saw a bunch of grease-painted Seals arriving on the beach in full combat regalia. And they asked themselves, "What the hell's going on?"

So I say to my friend, he would not have done this to President Bush, and there is no rationale for doing this, except to try to come to the floor now and talk about flip-flops, et cetera.

I say to my friend, there are no flip-flops with respect to Haiti. It is nice to be able to make these arguments and it has become the current political game in Washington to try to make them. But the fact is that the President has had to balance a whole set of interests. People in Washington say, "Well, we don't want the refugees coming here." But, on the other hand, they are not willing to do something to end the process of refugees coming.

That touches our shores. What is astonishing to me is that if you really examine what is happening in Haiti where you have thugs involved in drug trafficking, which our own DEA and State Department acknowledge—they may dispute the amount, but they do not dispute the fact.

The fact is these guys are running drugs into your cities, my cities, and the cities in New Hampshire, and I wonder why my friends on the other side of the aisle are not more concerned about that.

They are engaged in the most horrific human rights abuses not far from the shores of the United States, where people are killed, left out in the street to rot. The people go out to try to collect the bodies, and the people who go out to collect the bodies are killed and left to rot as an example to the rest of the people in the community.

Prior Presidents of the United States saw fit to send American warships into the region some 27 times prior to the 1915 occupation. Then we saw fit to be there for 19 years. We have seen fit to be in other parts of the Americas. And here we are for once not asked to go down there in the interests of United Sugar or United Fruit but to go down there in the interests of the majority of the people who elected a President, supposedly in support of democracy, which is one of the major hallmarks of American foreign policy, and what happens? The Republican Party says lift the embargo and give a victory to these thugs.

Mr. McCONNELL. Could I just ask one more question?

Mr. KERRY. I wish to say something about this, and then I will come back to it because this is what is at stake. Not only do you have humanitarian abuses, you have widespread hunger; $150 is the annual income of a farmer in Haiti and only one-third of the land is arable. And what happens? Hunger is a solution to send troops to Somalia but hunger alone is meaningless in Haiti to my friends on the other side of the aisle.

So you not only have hunger, you not only have human rights abuses, you not only have drug running, but you have the theft of democracy right off our shores. And what happens? The Republican Party says award them the victory. Lift the embargo. That is the policy.

So I say to my friends you have in Haiti more rationale to kick these guys out than you had in Grenada or than you had in Panama, and you have all of the reasons that were present in Panama and in Grenada and in Somalia present in this one location, but there is a contrary policy that has been chosen by our friends on the other side of the aisle.

Why is there a double standard? Why is it OK for President Reagan to suggest that—let me use his words. I wish to use his words. Here are the words of President Reagan and President Bush. President Reagan told us he was sending American troops to Grenada to "protect innocent lives, including up to 1,000 Americans, to forestall further chaos and to assist in the restoration of conditions of law and order and of governmental institutions." There is not a word there with respect to Grenada that could not apply to Haiti.

Mr. McCONNELL. That is covered in the Senator's amendment.

Mr. KERRY. President Bush told us that the United States was invading Panama to safeguard the lives of Americans, to defend democracy and to protect the integrity of the Panama Canal Treaty.

And when he sent American forces to Somalia, President Bush said:

Some crises in the world cannot be resolved without American involvement. American action is often necessary as a catalyst for broader involvement of the community of nations. Only the United States has the global reach to place a large security force on the ground in such a distant place quickly and efficiently and thus save thousands of innocents from death.

So there is a difference in the saving of innocents from death in Haiti and innocents from death in Somalia. I would respectfully suggest in our hemisphere and given our history there are 100 times more reasons, and I would suggest that for African-Americans in America who are asking themselves about this double standard, if we want to keep faith with what this country is about and hold together, we ought to apply the same standard.

Mr. McCONNELL. Will the Senator yield?

Mr. KERRY. I yield for a question.

Mr. McCONNELL. The Senator makes a very compelling argument. What is wrong with asking the President to make that argument to the Congress, which is all that the Senator from New Hampshire, as I read the resolution, is asking here, that the President simply come make the argument. There are a number of different options in the amendment which could justify an invasion if that is what the President had in mind. All we are saying here is, ask for permission, if you will.

Mr. KERRY. Let me say to my friend——

Mr. McCONNELL. I think the Congress might well be willing to have forceful leadership, conviction expressed by the President of the United States that this is what he feels we ought to do and asks for our support.

Mr. KERRY. Let me say to my friend from Kentucky that I think the President of the United States is offering forceful and clear policy with respect to Haiti. He has appointed a special negotiator, a special envoy. The President has made clear that the military option is not off the table, and the President has made clear that we are obviously tightening the sanctions and proceeding down a fixed course of action.

Now, he is on that course of action. Along comes the Senate at this very instant and merely replicates what it has already said. Now, how can one not believe there is not mischief in the effort to simply replicate what we are already on record 98 to 2 in doing, but we want to do it suddenly in binding fashion. We want to change the terms.

Now, we all understand what binding is around here. And we all understand the message that is trying to be sent. I just respectfully submit to my colleagues, if you read the language, in fact, because it is binding, I personally have serious concerns about some of the conditions as they are defined, and I would assert those concerns differently where it is binding than I might have asserted them when it is simply a sense of the Senate.

I might also add there are prerogatives expressed with respect to intervention that do not particularly apply to Haiti in the language, and therefore you find that you have a binding statement about reservation of powers of the President of the United States which might, in fact, be used as precedents for other situations and go beyond. We do not do this. This is not what the Senate does in its relationship with the President unless it is being asked to play politics.

Now, we were not asked to do that with the prior Presidents. And so the question has to be asked why it is happening now? I just respectfully submit to my colleagues if we want to debate this for a great, great period of time—if he wants to send his message as a sense of the Senate, I know that Democrats will join in that. But if he wants to create a War Powers Act that specifically curbs the power of the President, this Senator—and I am confident others, I would think the Senator from Georgia and other Senators will not be sanguine with that approach.

Now, it is very simple. It seems to me it is also horrendous timing for the Senate at this moment to send a message which is an expressed reservation about the conditions under which the President could make a choice, is in effect to send a message to the thugs that there are friends here in the Senate, that we are not really looking out for the interests of the country. Arthur Vandenburg would be ashamed of what is happening here right now. This is not bipartisan foreign policy, and it certainly is not an effort to try to find a consensus. So I respectfully suggest we can deal with it.

I ask my colleague whether he would be willing to try to send what is a reasonable statement, as we did previously, or whether the Senator feels compelled to force this confrontation on Presidential power.

Mr. GREGG. Is the Senator yielding?

Mr. KERRY. I am asking the question of the Senator. I yield to him to answer the question. I am not yielding the floor.

Mr. GREGG. Mr. President, prior to answering that question, let me make a couple of responses in relation to the question because the Senator made a lot of points here. I think some of them have been well said.

I honestly agree with the Senator from Kentucky. I wish the President were speaking as effectively as the Senator has spoken so the American people would have a sense of direction of where the Senate is going. I do not believe the President has done that. Basically this amendment gives the President that opportunity before putting American lives at risk, because that is needed to be done.

The Senator said the President has not flip-flopped. Read the President's words. On October 13, 1993, he said, "I have no intentions of asking our young people in uniform to go in there to do anything other than implement a peace agreement." Then in May 1994, he said, "I think that we cannot afford to discount the prospect of a military operation in Haiti."

That is just one example of the innumerable statements. The record reflects that inconsistency.

Mr. KERRY. Mr. President, I believe I asked a question and yielded the floor for an answer, not a speech.

I would be happy to answer the Senator and say that it is not inconsistent. There is no inconsistency in that statement. The implementing of the agreement was the implementing of the agreement of Governors Island. That agreement had a very specific set of requirements that the thugs were supposed to live up to. They did not live up to it. That is one thing. And the President has tried to act, I think with great patience, as a President of the United States ought to act where lives are concerned and the potential use of American service people are concerned. He ought to proceed with caution and care. That is what he is elected to do. The President has done that in a way, I think, that asserts the interests of trying to get back with the Governors Island accord. But at the same time he has made it very clear that if that cannot be implemented, he reserves other options that are available to him.

Mr. GREGG. If I may reply—

Mr. SPECTER. Mr. President, parliamentary inquiry.

Mr. GREGG. Is your definition of a peace agreement—

Mr. SPECTER. Does the Senator from Massachusetts retain his right to the floor when he asks a question? I do not intend to assert that he does not, although I think that is the rule. But there are quite a few of us who have been waiting to make statements on the issue.

So my parliamentary inquiry is, does the Senator from Massachusetts retain the floor when he asks a question of the Senator from New Hampshire?

The PRESIDING OFFICER. The Senator retaining the floor may only answer a question of another Senator by unanimous consent.

Mr. KERRY. Mr. President, parliamentary statement. I believe the Senator said—we can go back to the record—I will only ask the question and yield to him if I retain my right to the floor in the asking of a question. So, in effect, I asked unanimous consent and noted no objection if the Senator answered the question. I believe under those circumstances, while the general rule may be you would yield, I asked not to yield the right to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BENNETT. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KERRY. Without yielding my right to the floor, I will yield for a question.

Mr. GREGG. May I ask a parliamentary inquiry? Is that the proper form of the request for yielding, or does the Senator from Massachusetts have to ask unanimous consent to ask the right to yield for the purpose of taking a question?

The PRESIDING OFFICER. The Senator who has the floor has a right to respond to the question without yielding the floor.

Mr. BENNETT. Mr. President, I ask the Senator from Massachusetts if he would refer to the Gregg amendment,

the second portion of which reads that the deployment is temporary and necessary to protect United States citizens from imminent danger, and tell me whether or not in his opinion had this had the force of law it would have prohibited President Reagan from going into Grenada? Because, under my understanding of this language, President Reagan could have gone into Granada if this had had the force of law.

I ask the Senator for his reaction.

Mr. KERRY. Mr. President, that is a very legitimate question. The answer is very simply no. He would not have, nor do I assert that it might preclude him from any situations in Haiti. But it also might not apply to situations in Haiti. We cannot envision what specific situations might be. Certainly, there are some that are not contemplated in this. But I guarantee the Senator that he would not have voted, nor would the Senator from New Hampshire, nor the Senator from Kentucky, to try to restrain President Bush or President Reagan in the way that this amendment seeks to. They simply would not have done so. I know it from the arguments we have had on the floor in the last 10 years regarding this issue. No matter what reservations you may have or may not have about the way in which decisions are being made, let us just call it fair and directly and honestly here among Senators.

Mr. DODD. Will my colleague yield?

Mr. KERRY. No other Senator would have voted to restrain the President.

I yield for the purpose of answering a question and ask unanimous consent not to lose the floor.

Mr. DODD. I think the Senator raises a very legitimate point. Just look first at the title of this amendment. I ask this in a form of a question, Mr. President. The United States military operations in Haiti, "comma", North Korea, and Cuba.

Now let us pose the question whether or not we in this body would want to restrict this President, or any President, from the ability to respond in a way that he may feel necessary in situations that jeopardize the interests of the country by a binding, legal document.

I would suggest—and I raise this in the form of a question to my colleague from Massachusetts—that you would not find this amendment being offered were those other countries to have been added here.

Let us be very candid. What we are talking about here is a small, desperate, poor, black country in Haiti. It does not have any friends in the world, not much of a constituency here in this country. People do not care about it much; 7 million people, the poorest country in this hemisphere; one of the poorest in the world. So it is an easy target.

Frankly, we do a great disservice, in my view. My colleague from Massachusetts has accurately pointed out this is going to send a dreadful signal right now. I do not see a great number of people pounding for some military invasion here. We have a broad-based sanctions policy in effect now. We have put restraints on visas and commercial flights.

Let us try to come together if we can for just a few weeks to see if this new policy can work. Let us try, at least on this one issue, to see if we cannot find some common ground. No one is advocating at this particular juncture that the military option ought to be exercised. Yet, by voting in this body tonight we make that the issue. In one way or another we send signals that we ought not to be sending.

This is irresponsible. We are in the middle of a crisis right now. We ought to be able to come together as Americans on an issue like this. A nation stands a few short miles from our shores where people are being terrorized like no other nation in this hemisphere right now, with serious problems. And as U.S. Senators, we owe an obligation to our constituencies, to the executive branch in this country, and to this institution to act with a far higher degree of responsibility than this amendment suggests.

I urge the author of the amendment to withdraw this amendment. Debate Haiti if we want to, but do not place this body in the situation of trying to complicate and confuse the conduct of foreign policy at a critical moment. It is the height of irresponsibility, I would suggest, to put this institution in that position and to complicate the conduct of foreign policy at this critical moment in our relationships with this nation.

Mr. GREGG. Parliamentary inquiry, Mr. President.

Mr. KERRY. Mr. President, could I answer the question?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would answer whether or not—

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold?

Mr. GREGG. I withdraw the parliamentary inquiry and simply ask whether that was a question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thought it was an excellent question.

Mr. President, if I could simply say to my colleague who asks about the title of the bill and the impact of it, obviously, I agree completely. I think that he has pointed out a tremendous inconsistency, that if this did say "Cuba," we would probably not be debating this right now. I am not sure where we would wind up with respect to some other countries, but certainly you can come up with a list that this obviously would not be before us in this form.

Mr. President, I know my colleagues want to speak to this. I do not intend to hold the floor interminably. But I do want to say that this is much larger than a political issue in Washington. Whatever one's perceptions of the President's choices with respect to Haiti or elsewhere, we have a responsibility to look out for the larger interests of our country.

I am not saying the Senator from New Hampshire is not doing that, or does not want to do that. I think his perception may be that this is the way he protects that interest. But I am suggesting that in the process of dialog here on the floor, maybe we can come to a joint agreement or assessment that in fact that judgment might be misplaced or mistaken in this particular circumstance; that if we can avoid sending the kind of message that the Senator from Connecticut has just talked about, we ought to try to. It is our responsibility to.

Obviously, if you go back to the succession of events leading up to Haiti, you can look at Somalia. What happened in Somalia? A group of Rangers were ambushed, and I would agree that—and some of us said it at the time—the policy somehow rambled out into this broader reach. We suddenly were chasing Aideed, and suddenly it was more than any of us thought.

But what was the reaction? The reaction—if you will recall that briefing we went to—was the most incredible stampede and hue and cry for cut-and-run that I have ever seen in my life. In point of fact, this President of the United States resisted the enormous political pressure being put on him by the cut-and-run folks to create an orderly, sensible, withdrawal which left something in place of both our original intent and our honor.

In effect, we wound up with a President making a tough political decision to get people out, but doing so in a way that was totally contrary to most of the folks who said, "You have to get out of there immediately." That sent a message. And do not mistake it for one instant, the thugs down in Haiti read that message, because it was 1 week later that those thugs were on the dock building on the syndrome of Somalia to threaten the *Harlan County*.

What was the reaction? *Harlan County* turned because they were not equipped to fight, folks. That was not the mission. Nobody approved it. If they had, there would have been a hue and cry saying, "What the hell are you doing in Haiti?"

So they made a decision to respect what the original Governors Island meeting was about and did not engage in the threats of the loss of American life. But believe you me, the Haitian thugs read that message, too.

Then you turn around and you have the situation with respect to Bosnia, where everybody knows there is not

one person—maybe 10 in this institution, who would vote to put American troops on the ground.

So here you are negotiating a hand where you have little leverage without American troops, and that sends a message. And every leader in the world, including Kim Il-song in Korea, has read that message.

So if you want to add to that message here on the floor of the Senate today and say to the thugs in Haiti, "Boy, you guys have a free hand because they have tied the President's hands in a way that he has to jump through hoops," and they are making it a clear message, no matter what the language says—the language of this amendment that you may understand and others may understand for the way it can be legally interpreted—to give him the right to make *x* decision or *y* decision, the truth is that it is not the legalities that the thugs will look at; it is the broader perception of what is happening here and what people are really trying to say. And you will have stripped out, once again, from this President whatever leverage may or may not exist to try to bring to a close this sorry chapter next to our shores.

So I hope we are not going to do that. I am certainly going to resist an effort to try to tie the hands of this President in a way that this same institution denied and resisted, and I think appropriately so, on other occasions efforts to do so for prior Presidents.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when I raised a parliamentary inquiry before, my own view—and subject, obviously, to the determination of the Chair—was that the Senator from Massachusetts had lost the floor. I did not hear him ask unanimous consent when asking a question of another Senator. I did not raise that matter but only sought to suggest that others had been waiting for an opportunity to debate the issue. The Senator may yield for a question to another Senator without yielding the floor and does not need to ask unanimous consent. But when he asks questions, he loses the right to the floor in the absence of unanimous consent.

I have sought recognition here to make a relatively brief statement. I disagree with the Senator from Massachusetts when he says that this is a political issue. My view is that it is a constitutional issue as to who has the authority to authorize the use of military force.

My very strong view is that, when time permits, it is the Congress which has the authority to authorize the use of force. I did not like what I saw in the course of the Korean conflict, where the United States was engaged in war without appropriate congressional authorization. And I did not like what I saw in Vietnam when the United States engaged in war without appropriate congressional authorization. When the issue arose in Iraq, there was a specific congressional authorization to have that use of force.

I think that the situation in Grenada and Panama are fundamentally different from what is involved in Haiti. But perhaps we ought to revisit Grenada and Panama if there is a suggestion that when the Congress has the opportunity to deliberate and to make a decision on the use of force, the Congress should abdicate that and allow the President to act without congressional authorization.

When the Senator from Connecticut says that what the Senator from New Hampshire has proposed here today is irresponsible—and we have the Senator from Massachusetts agreeing with the Senator from Connecticut—I disagree with that. If the Senator from Connecticut wants to pursue the argument that there ought to be intervention because of the fact that Haitians are being terrorized, then let the Senator from Connecticut suggest a resolution to authorize the President to use force under that circumstance. And where the Senator from Massachusetts goes through a sequence saying that the thugs are running drugs; there are human rights violations; there is widespread hunger; there is theft of democracy, and then he says, "Why are people on the other side of the aisle not concerned with that?" Well, we are concerned with that.

What ought to be done here, if the Senator from Massachusetts and the Senator from Connecticut think that the President ought to have leeway to use military force, is to let them offer a resolution that authorizes the President to do that. When the Senate had a sense-of-the-Senate resolution back on October 21, 1993, which is identical in substance, limiting the President to use force without the authorization of Congress unless there is an emergency to protect U.S. citizens, or unless there is an emergency on national security interests, and the President continues to talk about the use of force, then I think it is entirely appropriate for the Senator from New Hampshire to come back and say, "Let us have it in the effect of law." It is highly unlikely that it will become law, because even if it passes the Congress, subject to a Presidential veto, then you have to have a two-thirds override. But I think what the Senator from New Hampshire is saying here is that he really means business, and that the President ought not to act unilaterally.

We went through this in a very measured way on the resolution for the use of force in Iraq. I remember very well back on January 3, 1991 when it was the Senator from Iowa, Senator HARKIN, who raised a procedural issue which forced the hands of the leadership to bring up the issue for debate on January 10. We had a debate on the floor of the Senate on the 10th, 11th, and 12th and authorized the use of force where the President had set a deadline, or the United Nations did, for January 15.

There is no doubt that if we had voted down that resolution the implication would have been plain, that the President could not have used force because he did not have the authorization of Congress to do so, notwithstanding the fact that there was no resolution saying no funds may be used by the President unilaterally to use force.

We know what the situation is in Haiti, and there is plenty of notice about what is going on in Haiti.

If that warrants the authorization of the President to use military action, then let us say so. But if it does not, then let us not criticize the Senator from New Hampshire for coming forward and offering a resolution which expresses the determination of the Senate and the Congress that force ought not to be used on the current state of the record without the authorization of Congress and unless there is a specific emergency and a specific way.

I do not believe that this is a political issue. I believe it is a constitutional issue, and I believe it is a matter of the authority of the Congress.

That is why I think the amendment is a good one and I intend to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the Gregg amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPECTER. Mr. President, what would constitute a sufficient second with a number of Senators on the floor?

The PRESIDING OFFICER. Under the rules the sufficient second requires one-fifth of the seated Senators.

The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, this is a very important matter, one on which the Senate has previously acted. A few months ago, the Senate voted on precisely this language in a sense-of-the-Senate resolution. My hope is that the Members of the Senate will act in a manner consistent with their previous vote in that regard.

But there are a number of Senators who wish to address this subject, as I do myself at a later time. And so, because this was offered in a form that is a second-degree amendment, it is not now subject to amendment, although it is likely that there will be an alternative presented in some form after a vote occurs on this.

I will myself have more to say on the subject before we get to a vote on it. I know Senator MCCAIN has requested an opportunity to speak.

So I will now yield the floor.

Mr. LEAHY. Will the Senator yield to me before that for an observation?

Mr. MITCHELL. I will yield and the Senator can get recognition.

Mr. LEAHY. Mr. President, I will note the matter before us was originally presented, as was in that form last year, as a sense of the Senate. I should note, as a sense of the Senate, it passed, I believe, 98 to 2. In any event, I know of only two votes against it on the last rollcall vote as a sense of the Senate.

Had it remained as a sense of the Senate, as the majority manager of the bill, I would have been prepared to accept it. Others, of course, could have taken a different position, but I would have been prepared to accept it.

My objection and concern is setting an unprecedented mandatory position, one that has never been presented certainly in a country-specific fashion as this one is, something that no Member, to my knowledge, in either party, has ever presented in opposition to action of any President.

Certainly no Democrat or no Republican has ever presented as binding law legislation of this nature during the time of President Bush. No Senator, Republican or Democrat, ever presented a piece of legislation this specific as binding law during the Presidency of President Reagan. No Senator, Republican or Democrat, ever presented a piece of legislation this specific as binding law during the Presidency of Jimmy Carter, nor during the Presidency of Gerald Ford.

I use those Presidents because I have served here with five Presidents and never has any Senator, Republican or Democrat, sought legislation, binding legislation of this nature, of this specificity, binding the hands of any President.

And there is no question in my mind that, should there be action anticipated by the United States, President Clinton would consult with the bipartisan leadership of the Congress, as President Bush did, as President Reagan did, as President Carter and President Ford did.

But, I have basically concluded that, if legislation of this nature on a foreign aid bill in the final form were to go to the President, I would recommend the President to veto the bill. I hope we would not reach that point. But it would not be responsible for us to pass legislation this specific.

I would be happy to see us go back to what we had last year. There is legitimate debate about our policy in Haiti. It is a debate where Senators on both sides of the aisle and within both parties could differ and disagree. And that is perfectly legitimate. I have expressed my own concerns at times on that and as I know there is within the administration itself.

But to put this kind of binding legislation on would be unprecedented, unprecedented, in the annals of this country and something, in my 20 years here, with both Republican and Democratic Presidents, I have never known a Senator to bring forward or seek, in the U.S. Senate, to do anything with this specificity.

I yield the floor.

Mr. SIMON. Will the Senator yield for a question?

Mr. LEAHY. I yield for a question.

Mr. SIMON. I thank him for yielding.

Mr. MCCAIN. Does the Senator yield the floor?

Mr. LEAHY. I yielded for a question. I will yield the floor.

Mr. SIMON. My question is this: I happen to oppose military action in Haiti. But I also do not want to weaken the President's hand in terms of the present situation.

In the kind of situation I am in, should I vote against the proposed amendment? What would the Senator from Vermont recommend?

Mr. LEAHY. I would recommend voting against it. Frankly, if I had my druthers—and of course the Senator who has proposed it can do whatever he wishes—but it would make more sense, in my estimation, to go back to what it was, a sense-of-the-Senate resolution, vote as we did last year on that. It would express the real concern and legitimate concern of all Senators, Republican and Democrat alike, on the Haiti policy.

But, should it be in this form, I would strongly urge one to vote against it. And we can express our opinion in another form, and either I will make that available or another Senator will in a sense of the Senate. But not in this form.

Mr. SIMON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I will be relatively brief. My friend from Utah has been waiting for some time, he informs me.

It is with great reluctance that I oppose this amendment. I do so on strict constitutional grounds. I do not believe it is constitutional even with the significant caveats contained in this amendment, to prospectively limit the powers of the President of the United States.

Someday we should have a debate and either reaffirm or reject the War Powers Act. It is long overdue. It is an act of cowardice that we have not. But for us to prospectively tell the President of the United States that he cannot enter into military action anyplace in the world, in my view is a clear violation of his powers as Commander in Chief under the Constitution of the United States.

Mr. President, let me say I think the views and the concerns raised here by the Senator from New Hampshire are valid. I, too, am afraid we are on a slippery slope toward a military intervention.

There is no doubt that if you impose an embargo, you harm the lives of the very people you are trying to help, especially when the embargo is imposed on a poor, unfortunate island like Haiti. A flow of refugees is virtually assured by our policy toward Haiti. And we are seeing that tide increase as the embargo squeezes the very life out of these poor people. The effects of this policy will then give the administration a very invalid, in my view, rationale for invading and replacing this oppressive and dictatorial regime.

My prescription is to lift the embargo, offer the generals a way out, and stop insisting upon the reinstatement of Aristide. Call for free elections and see if that will work.

Sanctions are affecting the poorest people in Haiti. You cannot deny it. You cannot get around it. Preventing people from going shopping in Miami is one thing. There are people in Haiti who are for the first time starving to death, and we should not allow that to go on.

I believe that we could effectively send the right message to the President of the United States with a sense-of-the-Senate resolution stating that we should not undertake military action in Haiti. I believe it would pass overwhelmingly.

Mr. President, we should not get militarily involved because there is no way out. If the United States in a very brief military operation—it would be less than 6 hours—takes over the country of Haiti, my question is, who will run the country? I will tell you who would be running the country. It would be the United States of America. The people of Haiti would resent it, and you would find the kind of resistance and eventual armed warfare that we saw the last time we were there, where we went for a few months and stayed for 19 years. Before anyone supports invading Haiti, read the history of our last invasion of that country. If you read it, you cannot support an invasion of that country.

At the same time, I cannot support any resolution which prospectively limits the powers of the President as Commander in Chief. And I ask my colleagues, what if the Senate of the United States had passed a resolution prohibiting President Reagan from the invasion of Grenada, which might have happened, given the situation in Grenada at that time? What would have happened? What would have happened if this body had passed a prospective resolution prohibiting the President of the United States from invading Panama? Both were operations which, by the way, I supported, because I thought they were in our national security interests. I do not believe Haiti is. I am saying if you do this, you will set a very dangerous precedent.

I now yield for a question from my friend.

Mr. McCONNELL. Mr. President, I was going to ask my friend from Arizona in what way the Gregg amendment would have restricted President Reagan's actions in Grenada?

Mr. McCAIN. Obviously there are caveats in the Gregg amendment which give the President of the United States some wiggle room. But the fact remains, I tell my friend from Kentucky, that you are telling the President of the United States that he cannot expend funds to invade except under certain circumstances. It is the wrong thing to do. You can express the will of the Senate with a sense-of-the-Senate resolution and you can do it with great ease. If we pass this amendment, it will be a small step to further restrict the powers of the President of the United States.

The Senator from Kentucky is entitled to his view of what the amendment says. I know the Senator from New Hampshire has his view and the Senator from Utah has his view. I am saying it is dangerous to begin any amendment by saying that no funds will be spent for operations of this nature, even if you add a list of caveats that is 2 miles long.

Mr. McCONNELL. I say to my friend from Arizona, not to belabor this too long, seven times last year—seven times last fall I voted to support Presidential flexibility in Somalia, Bosnia, and Haiti. I think on a couple of those amendments I may have been the only one on our side of the aisle. Maybe Senator WARNER and I were the only two. So I share my colleague's concern, I say to my good friend. I just do not see how the Gregg amendment unduly restricts the President's hand. Basically, in a sense, the Constitution does that as well with the requirement of a declaration of war, if you wanted to carry it to that point.

But it seems to me that this is pretty sensibly addressed to reflect recent military experiences. Also, it is not without precedent for us to put some restrictions. I think of the Clark amendment with regard to Angola when President Ford was around; the Boland amendment—various mutations of that; the Cooper-Church amendment during the Vietnam period.

Anyway, I do not want to prolong it, I say to my friend from Arizona. I am sorry he will not be able to support this amendment. I think it is excellent.

Mr. McCAIN. I thank my colleague. I would be glad to respond to that comment. Early in our history, I would say to my friend from Kentucky, when we had Barbary Coast pirates who were interfering with United States trade, we sent a task force of naval vessels to punish those people. And some of the greatest names in our naval history went there. That was done without a declaration of war. That set a precedent for operations like Grenada, Panama, et cetera.

If the Senator from Kentucky supported the Boland amendment, I would say that he was in a very different position than I was because I believe the Boland amendment was unconstitutional. And I wish that the Reagan administration, by the way, had had the guts to fight that all the way up to the U.S. Supreme Court.

Mr. DODD. Will the Senator yield on that?

Mr. McCAIN. I will.

Mr. DODD. I just want to point out the Barbary pirates is a good historical example, because in that particular case—consider the day and age, it was in the early part of the 19th century—the forces there, in the Mediterranean, sent a boat back seeking permission of the President of the United States as to whether or not they could engage them. It took several months to get an answer. But they did not dare engage them without that permission, I point out to my colleague.

Let me just add as well, on the debate of the war powers resolution, Presidents, beginning with President Nixon, he—and for good arguments—objected. And there the law says in the absence of a declaration of war—the last time we did that was on December 8, 1941—that Presidents are allowed. The President shall submit within 48 hours to the Speaker of the House of Representatives, 48 hours after the engagement begins, a report in writing setting forth the circumstances, and so forth. That has been the subject of significant debate as to whether or not a President, even after there has been an engagement militarily, should be required to report back to the Congress. This goes the extraordinary step——

Mr. McCAIN. That is what I would also address. I hope my friend from Connecticut would agree—we need to debate the War Powers Act and clearly define what a President can and cannot do. We would not be engaged in this debate if we did. Be that as it may, my friend from Kentucky asked me what the problem was with the amendment. The first sentence, part (b):

> None of the funds appropriated or otherwise made available to the Department of Defense * * * may be obligated or expended for any United States military operations in Haiti unless * * *.

Now, those caveats are excellent. I am glad that they are in there. But it does not change the fact we are telling the President of the United States that he cannot spend any money to invade Haiti, even though there are caveats to it. If those caveats, I would say to the Senator from Kentucky, are that great, then let us make it a sense-of-the-Senate resolution, which the distinguished manager of the bill and the majority of us—not all, I see the Senator from Florida there and others—would support overwhelmingly. And then we would send a simple message.

As it is, we are now getting embroiled into interpretations of the Constitution of the United States. My interpretation is clear that we cannot prospectively limit the powers of the Commander in Chief.

Mr. DODD. Will the Senator yield?

Mr. McCAIN. Could I just finish this thought? I tell my friend from Kentucky, hopefully—hopefully—some day there will be a different party in power in the White House. And I would hate to be standing on this floor arguing with one of my colleagues on the other side of the aisle who wants to prospectively limit action by the President of the United States when I supported such a thing when my party was not in power. We could be setting a very dangerous precedent for those of us on this side of the aisle.

Mr. DODD. My colleague may know better, but I cannot think of a single example, even during the 12 years of the Reagan and Bush administrations, when any such amendment like this on any part of the world was ever offered or adopted. Does my colleague know of any example I may be forgetting?

Mr. McCAIN. I know of none, except for the Boland amendment, and the Boland amendment, in my view, was something that, frankly, poisoned the entire issue of our policy towards Nicaragua.

In retrospect, whether the Senator from Kentucky agreed with the Boland amendment or opposed it, we would have been better off if it had been judged constitutional or unconstitutional. There were people in the White House, as the Senator from Connecticut knows, who said it was unconstitutional and, therefore, violated it.

Mr. KERRY. Will my colleague yield for a point?

Mr. McCAIN. Yes, I yield.

Mr. KERRY. I point out with the respect to the Boland amendment, the Boland amendment reflected the desire to cut off aid to other people's forces, aiding other people's forces and effort, not directly to our forces being engaged in a particular conflict of a country.

Mr. McCAIN. I think the Senator from Massachusetts makes a good point.

I want to apologize to the Senator from Utah for taking so much time.

I want to briefly suggest to my friend from New Hampshire that we make his amendment a sense of the Senate, sending an overwhelming message to the President of the United States. If there is a significant vote—which I think there is going to be—then clearly the President cannot ignore that message from the Senate of the United States.

I hope we could do that. I deeply fear we are on a slippery slope to an invasion which cannot be of any benefit to the people of Haiti or the men and women of the Armed Forces of the United States. If we did make it a sense of the Senate, I think we would avoid a lot of this debate.

I understand and appreciate the goals of the Senator from New Hampshire. I regrettably cannot support the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I yield to no one in my respect for the Constitution, for my concern for the maintenance of the proper role of the Constitution and the separation of powers. I would be persuaded by the arguments of the Senator from Arizona and the Senator from Massachusetts, and others, who raised the constitutional issue if I were not satisfied that the language of the Gregg amendment reflects proper constitutional procedure.

I asked the Senator from Massachusetts earlier when he was talking about this issue if the Gregg amendment would, in fact, have prevented President Reagan from proceeding in Grenada? I am satisfied that the language of the Gregg amendment makes it clear that President Reagan could easily have proceeded in Grenada had this amendment been in place because it says:

> The President can proceed if he finds that the deployment is temporary and necessary to protect U.S. citizens from imminent danger.

President Reagan found that to be the case in Grenada and proceeded. This amendment would not in any way have diminished his powers as Commander in Chief.

I was prepared to ask the Senator from Massachusetts a second question, which I will now review, with respect to Panama. If this amendment had been law, could President Bush have proceeded in Panama? In my view, he could have because No. 3 in the Gregg amendment says that he could proceed if he finds that the deployment, and I am quoting, "is vital to U.S. national security interests and insufficient time exists for the receipt of prior congressional authorization."

President Bush, obviously, believed that that was the case, and he proceeded.

I share with my friend from Pennsylvania, who has a legal background that I do not have, having never been to law school, the concern that Congress may well be losing its rights under the Constitution to declare war; that we may be in a position where the executive, under the powers of the Commander in Chief, gets us into a war situation and does not come to Congress for the proper authorization.

I find that this amendment strikes an appropriate balance in that concern. I do not want to tie the hands of the Commander in Chief when there is a necessary deployment needed to protect American citizens.

I do not want the Commander in Chief to have to come to Congress to ask for permission, to have to come to Congress to ask for a declaration of war when U.S. citizens are in danger. This amendment does not say that would be the case.

I do not want the President to have to come to Congress to ask for permission to use his powers as Commander in Chief when vital national security interests are at stake and there is not appropriate time.

But I do get concerned on a constitutional basis when I hear people talking about the United States planning an invasion in a leisurely fashion of a sovereign country with the President feeling he has no requirement to discuss that with the Congress. That gives me constitutional pain.

This is not an emergency. There is no one threatening American students in Grenada who may be carried off momentarily if the Marines do not land. This is not a surprise operation where national security interests are vitally affected if we do not go in under the cover of some kind of stealth operation and surprise a warlord, as was the case in Panama.

This, at least as I understand it in the press, is a considered, formal invasion of a sovereign country by the United States of America military. I think it is appropriate under the Constitution that the Congress be asked to declare war if that is what we are going to do. But if the President says, no, I cannot ask the Congress to declare war because the deployment was temporary and it was necessary to protect U.S. interests, I cannot ask the Congress to declare war because it is vital to our national security interests and there is insufficient time, this amendment says, fine, we will take your word for that, we will not change it. All we are asking you to do is do that much.

So I find myself in somewhat—not somewhat—in disagreement with my friend from Massachusetts on the legal issue and in agreement with my friend from Pennsylvania on the legal issue here. I feel that the amendment is not a violation of our constitutional circumstances.

I wish to make a few other comments because of the statements that were made by the Senator from Massachusetts, in all good motive and intention on his part. This is an issue, obviously, about which reasonable men and women can disagree, I would hope, in reasonable fashion.

He said to lift the embargo would be to award the thugs the victory. That is the interpretation he would put on that matter. I view it differently. The people of Haiti are suffering. They are hurting across a wide spectrum of economic deprivation. That economic deprivation is made intolerably worse, in my opinion, by the embargo.

The thugs who run Haiti, on the other hand, are prospering, and their prosperity is made considerably better by the embargo. They are not bothered by the lack of food. They are not bothered by the lack of economic support for the economy. They are taking it off the top and, I suspect—cannot prove it—that they are putting it in Swiss bank accounts preparing for the time when they decide to leave Port-au-Prince and enter into retirement on the Riviera in the time-honored fashion of other dictators in that part of the world who have gone that route.

The embargo, in my view, is furthering that kind of corruption and that kind of devastation of the economy. I believe honestly that lifting the embargo will be good for the economy of Haiti, be good for the ordinary people of Haiti and, ultimately, therefore, reduce the desire of the people of Haiti to physically get out because they will at least have some degree of economic hope where they are. The embargo is cutting down that economic hope.

So I say to my friend from Massachusetts, when I stand up here with the idea of supporting the lifting of the embargo, it is not out of all of the motives that he attributed to some on this issue.

Mr. KERRY. Will my friend yield for a question?

Mr. BENNETT. I will be happy to yield for a question.

Mr. KERRY. If my friend does not want to award them victory and my friend does not believe that they ought to be simply paid off and shipped out to the Riviera, then what is his leverage if you lift the embargo? What is it that says to them there is any reason to leave? What would compel them?

Mr. BENNETT. I respond to the Senator from Massachusetts in this fashion.

In order for a lever to work, it must have a fulcrum on which it is placed. The embargo has no fulcrum. The embargo is no leverage at all. That is my point.

Now, the question: How do we get them to leave? is a separate issue, in my view, from the embargo. It is unrelated to the embargo. The Senator

from Arizona has referred to one suggestion that has been made, to which I would subscribe, at least to the degree I understand it so far; that is, that America says to people in power in Haiti, all right, you are in power; we do not like your being in power; we will give up our insistence that Aristide be returned to power—recognizing the only way that can happen is with American military might behind him—if you will give up your control on the present government, both step down from that circumstance and we have internationally monitored elections.

Now, you say you want them in jail for war crimes. You want them punished in some fashion. I might like to see that happen, too. But I frankly do not see a lever anywhere short of invasion that can produce that, and I do not believe that invasion would indeed produce that.

If I might go to——

Mr. KERRY. Would my colleague be willing just to yield for a comment?

Mr. BENNETT. I will yield for a comment providing I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank my friend for his courtesy.

I just say to the Senator from Utah, the plan he has offered might work, but it really ignores a larger sense in the history of Haiti and what is really at stake in this situation. It is pretty easy for any Senator or anybody in America to cavalierly, or however one phrases it, stand there and say abandon Aristide and have another election. But the fact is that this is the first free election the people of Haiti have had in 200 years. They did vote. They did have a free election. We invested in it, as did the rest of the world. The United Nations invested in it. And by 67 percent of their vote they elected this man.

Now, who are we to simply say abandon him? Who are we to turn around from the Haitian people and discard their own democracy? I cannot understand how it is that we have the arrogance to make a judgment about somebody else's free and fair election.

Mr. BENNETT. I thank the Senator for his comment. I respond in this fashion. If, indeed, Mr. Aristide still controls the hearts and support of 67 percent of the people in Haiti, he will have no problem whatsoever in gaining his position as President legitimately in an election of the kind I have described.

Mr. KERRY. Can I say to my friend, and I will not interrupt him further, but I just want to say to my friend that would be fine if you have the ability to write the constitution of Haiti. But the constitution of Haiti does not permit him to succeed himself. So if you think Aristide is a problem, the Aristide problem is gone as of a year from this December because they are going to have elections a year from this December and he cannot run to succeed himself.

Now, if you want to change the constitution somehow or have some declaration that he can go down there and run again, fine. But he cannot. I am not sure he wants to. But it still begs the question. The Haitian people would sense an extraordinary abandonment of their own investment in democracy if you just discard what they have already achieved.

Mr. BENNETT. I thank the Senator for informing me as to the details of the Haitian constitution. He made reference to Haitian history. As I understand Haitian history, it is not one that gives me a lot of confidence in any kind of democratic institution, including the elections, prospective elections, to which he refers.

The history of this island is wretched. The circumstances that have been going on there for over a century have been wretched from our point of view. And we do not have any good solutions facing us. We do not have any clear——

Mr. KERRY. Is the solution to render it more wretched? Is the solution to render it more wretched?

Mr. BENNETT. In response, Mr. President, as I have said before, in my opinion, this is a matter on which we can disagree, the embargo is making it more wretched. In my opinion, the position of this administration has contributed to the misery and difficulty of the people of Haiti.

Let me go on, Mr. President, with respect to what in my opinion would happen if, indeed, the United States were to invade Haiti. There appeared in the Washington Post within the last 2 weeks—I cannot put my hand on the exact date, but if it is important, we can find it—a report by an American journalist, Robert Novak, who went to Haiti and spent several days driving around the country, talking to people, observing circumstances for himself. He came back with a report that may or may not be accurate but which is, at least on its face, plausible.

He came back and reported to his readers that the present military and police establishment in Haiti are expecting an invasion, and they have prepared themselves as to how they will respond. This is his report.

(Mr. LEAHY assumed the chair.)

Mr. BENNETT. He quotes them as saying if the United States invades Haiti, we will take off our uniforms, hang them in the closet and go home, which means that there will be no police on the streets to prevent looting or enforce normal law, which means there will be no military presence of any kind to try to keep the peace, which means that if there is any degree of police activity or normal law enforcement activity on the island, it will have to be performed by the American military or the island will be reduced to absolute chaos with no form of law and order of any kind.

If Mr. Novak is correct in reporting that plan, and if the people who currently control Haiti have, indeed, adopted that plan, what are we looking at if there is an invasion? We are looking at an American protectorate that will require American troops in Haiti for months and years and decades to come in a society that is ruled by circumstances that are tremendously foreign to most Americans.

I know of these only by hearsay. I have friends who have lived in Haiti who have reported them to me. I admit the evidence is anecdotal. I do not pretend to have any kind of major study of this issue.

But voodoo and the secret societies that are woven throughout the Haitian culture, who go underground and who exert enormous amounts of control over what is done and what is not done, in ways that the American mind simply cannot comprehend, these things are reported to be very powerful in Haiti. They are reported to be a tremendous part of the power that was exercised by the former President for life, that he maintained his position not just by military power and terror but by a religious network of practices of the kind, as I say, with which Americans are completely unfamiliar.

This is not the kind of circumstance that leads me to believe a series of American police forces and American troops can in any logical or short-term fashion restore order to the island, to the society, and establish democratic procedures and institutions there.

What would I do if I were President of the United States faced with the Haitian thing? I guess my first reaction would be to ask myself, why I have run for the office to be faced with this? Because, as I say, there are no good options in my view. But I believe that we are responding to emotions that are very, very American, emotions that are admirable, but not necessarily connected with the facts.

If I were President of the United States, I would pick up the phone and call Colin Powell, and say, "Mr. Powell, could you come out of retirement long enough to go to Haiti on a factfinding mission, not as an envoy? You are not down there to negotiate. You are not down there to try to tell anybody to do anything. But you at least understand the military as well or better than anyone else on the planet. You understand what would be involved if we were to put military troops there. You have the sympathy for the people that comes out of your own experience. Will you form a factfinding commission and go to Haiti and find out exactly what is going to happen there, and come back and give us your advice?"

I would feel a lot more comfortable debating this thing if the facts we had before us came from that kind of an official factfinding group rather than

newspaper reports and reactions on the part of individual Senators, myself included, every one of whom is reacting out of his or her own experience.

That is why I think we would be very precipitous to consider invading Haiti under the present circumstances. That is ultimately why, as I said in the beginning, I find myself in support of the Gregg amendment.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

Mr. President, I rise in opposition to the amendment, and especially disagree with my friend and colleague from Utah with regard to this amendment.

I want to also to associate myself with the remarks of the previous speaker, the Senator from Arizona, when he talks to discuss constitutional issues. This amendment, in my opinion—and I agree with him—is a regrettable, unprecedented constitutional assault. Therefore, I think on those grounds alone it should be defeated.

Mr. President, I would like to make an inquiry and ask three questions—actually, a plea and three questions. The plea that I would make to my colleagues is, do not make up new rules for Haiti. Do not change the constitutional order. Do not hamstring the President. Do not do anything new for Haiti. Allow our policy to work. Allow us to stand for those values that we say undergird our foreign relations.

I will make three questions or observations in keeping with my plea that we not make up new rules for Haiti.

The first is whose side are we on? The contradiction in this amendment is that it simultaneously hamstrings the President, empowers the thugs that are now in power in Haiti—having taken it—and at the same time turns our back and is a rejection of the democratic values that were expressed by the people of Haiti in electing President Aristide.

So the question is, whose side are we on? Are we on the side of the thugs? I cannot imagine it. Are we on the side of the people who would throw out any attempts of a budding democracy there? I cannot imagine it.

So the first question then is whose side are we on here?

The second question that I would raise has to do with how we define what is in our national security interests. The amendment, after it says that no money shall be used, speaks to the issue of what our national security interests are in Haiti. I think those interests are pretty straightforward and pretty unavoidable.

In the first instance, this democracy or a budding democracy, is in our own backyard, if you will. These are our closest neighbors. How can we therefore stand for the protection and promotion of democracies in places halfway around the world when we cannot even protect it in our own backyard?

The second issue is human rights. We have all been appalled at the privations. But at the same time to give something to those who have caused that privation, who are exacerbating that privation, seems to me to fly directly in the face of our national interests.

The drug lords probably have been mentioned. Are we going to give some promotion and help out the people who have themselves been able to take power because of their involvement with funneling poison into our country? Are we going to support that?

The immigration issue: We have seen the boatloads of refugees, and all the frantic efforts to come up with ways to process and deal with and otherwise stem the avalanche of immigration from that land.

Are we going to say that it is OK; the people who have given rise to that will benefit from the action of this U.S. Senate? I do not think so. Not to mention cooperation with our allies in this part of the hemisphere. These are our most immediate neighbors. It seems to me that we are hard put to talk about affairs on the other side of the world and we cannot have clarity about what happens here at home.

My colleague, one of the speakers earlier, made the point about, well, we have to work out some way to work through this process, and would not General Powell be a good person? Well, I think General Powell is terrific. But I would point out that we already have Bill Gray, former Congressman, working on this issue. We are doing exactly that. We are trying to find ways to make the sanctions, to make the embargo, to make the approach the President has taken, work.

The question has been raised; well, do sanctions do any good or do they not just hurt the poorest and the weakest and the most helpless of the people in Haiti?

I want to make this point. It is not a digression because I have talked about affairs on the other side of the world and how relevant they are to what has happened in Haiti. When Nelson Mandela came out of prison, one of the first things that he said was to thank the people of the world community for supporting sanctions in South Africa. His view was that sanctions had given rise to the end of apartheid in South Africa.

I was not here in the Senate when the debate around sanctions happened with regard to South Africa. But I daresay if you pulled out the memoranda and the records of those debates, the same arguments were made; well, you are going to hurt the poor. I do not think the poor are helped by empowering these thugs that have reduced them to the worst level of poverty, privation and fear that they have suffered in this century. That is why sanctions will work.

My colleague, my friend, talked about having what is the fulcrum for this effort. You have to have a fulcrum to have some leverage. He is right. Let me suggest to you that the fulcrum here is the might and power of the greatest nation on this planet. If the United States cannot stand for democracy, if the United States does not have the wherewithal to clean up foreign affairs in its own backyard, how then can we expect anybody else to rise to that challenge?

We have the fulcrum, we have the power, we have the money, we have the capacity, we have the ability; all we have to have is the will. All we have to have is the will to stand up for democratic values that we say every day on this floor we believe in.

It seems to me that it is fair to have those values apply to Haiti. I go back to my original plea: Do not make up new rules for Haiti. Let us have the same rules apply for Haiti that we say we believe in in this country. Is there a different history? Yes, there are always differences; of course, there are. Democracy is new to Haiti. We have had democracy here for over 200 years. This is new for them. But I think if we have an opportunity to export the thing that made this country great, we ought to take that opportunity. And we ought to use every tool at our disposal.

In this instance, we have not yet given sanctions a chance. We have not given peace a chance. We have not given democracy a chance in Haiti, and that is why this amendment—and that is part of the problem, that it is an amendment—has to be rejected.

Finally, in closing, Mr. President, I ask one final question, and that is: If you do not like the policies of the President, then what are you for? What is the positive? Yes, this is being debated, but I daresay we do not make new constitutional law or foreign policy based on rumor, based on unsubstantiated reports, based on conversations over dinner tables, or cocktail parties, or clips that we get in the beltway circle of what is being said today. Our foreign policy has to have a firmer foundation than that, Mr. President. And this amendment undermines that foundation.

This amendment really sets our foreign policy—even in our "near abroad," to use that word in terms of the United States, and I know it is kind of a different concept, but that is really what it is; this is our "near abroad." If we are going to have a policy, the President has set out on a course. I have not always agreed with that course and, frankly, I was very critical at the beginning, that we were not more forceful and did not have a foreign embargo,

that we did not turn the screws on the sanctions and really mean it and put some "umph" behind our policy in Haiti. I was very critical, and vocally so, and I said as much. But I have to tell you that, at the present time, there are real signs of movement. There are real signs that this President has taken the decisive moves, has taken a decisive approach to begin to give us an opportunity to prevail in that part of the world.

So I say to those who say, "Well, we are going to make him come to us, and we are going to make him report to us, and we are not going to spend any money, and we are not going to do this or that," there was a former Vice President who used the term "nattering nabobs of negativism." Mr. President, I think if there is going to be a "nattering nabob" in this situation, they are obligated to say: Fine, here is our plan. This is how we are going to do it—not next year, not next month, but today. And, no, this is not a purely political exercise; this is based on what we believe to be the appropriate course in our foreign policy. This is not just a chance to embarrass Bill Clinton. This is not just a chance to throw some marbles in the road so the foreign policy looks more confused than it is. This is not partisan politics. This is policy, and we believe in this course of action.

Let us see that first before we say to the President that he cannot do this, that, or the other. I close by saying: Please, I implore my colleagues, let us not make up new rules for Haiti and change the rules in the middle of the game. Let us go forward with the President's course. I believe it can be a productive course, and it can work if given the chance. The people of Haiti deserve as much, and the people of the United States deserve as much.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN] is recognized.

Mr. NUNN. Mr. President, I rise and urge my colleagues to defeat the pending amendment. I do so not because I agree with everything the administration policy seems to represent on Haiti, because I do not. I really question the embargo as it is applying to the ordinary and particularly low-income Haitian people. I am afraid that the wrong people are being squeezed, and I think that has something to do with the exodus we are seeing in the last several days that may very well intensify.

I think embargoes have their place. But in certain circumstances they can be counterproductive. I think it is very important that the United States set clearly its goals on what we are trying to accomplish in Haiti. I am not sure I have seen that kind of expression—at least not in terms that I agree with—from the administration, or from anyone else. In my own view, the goals ought to be to first alleviate the very severe suffering of the Haitian people, which is very apparent. The second goal that is connected to the first should be to prevent a very large exodus of people from Haiti to the United States in a way that causes tremendous difficulties for us in absorbing it.

I think the third goal is a very important goal, but the one talked about as if it is the only goal, and that is to have some kind of democracy there that, in the long run, can serve the interests of the Haitian people. But where I suppose I differ with some of my colleagues and the administration is I do not think returning one man—even though an elected president—is the equivalent of restoring democracy. I believe restoring democracy in Haiti, where they have not had that kind of experience over the years, requires building a coalition. I think it requires having a foundation there that is enabling in terms of allowing President Aristide, or whoever is elected President in the next election, to govern.

I do not think that condition exists in Haiti today. It would be my view that that coalition needs to be built as a condition precedent to the return of Aristide. Otherwise, however he is returned, it will take a very substantial outside security force to protect him. I am not sure how you have a democracy when you have an outside security force, whether it is the U.S. military or whether it is a coalition of countries, that basically is having to protect the President of the country from his own people. I think that is the difficulty.

Having said that, Mr. President, I think it would be a fundamental mistake to pass this amendment. Let us just take a look at where we are now. I think some of the people sponsoring this amendment probably are very dubious about the embargo. But what kind of one-two punch are we going to be demonstrating toward Haiti if we have a combination of the embargo, which may very well be causing the kind of exodus we are now seeing, and then we passed an amendment in the Congress saying that we are not going to have any military option unless all of Congress agrees, or unless the President can meet certain conditions, which would be somewhat difficult—not impossible to meet, but somewhat difficult to meet—and might require some strained definitions.

So, Mr. President, when we find a policy that we do not agree with or that we have some reservations about—and I have reservations; some people fundamentally oppose it—I think we ought to always consider the possibility that we can make it worse. The one-two punch I see coming if we pass this kind of amendment is, No. 1, this does not do anything about the embargo or anything about the goals, does not do anything for the restoration of some kind of coalition there that can help President Aristide when he returns to govern that country successfully as a democracy, respecting human rights, without having to have outside military forces basically not only protect him but police the streets for months and perhaps even years to come. But what we will also be doing is saying that we are not going to put any pressure whatsoever on those in charge now who have basically abused democracy and who have abused human rights and who continue to abuse their positions of power; that we are going to say to them, breathe easy, General Cedras, breathe easy Police Chief Francois, because we are not going to let that option even be discovered.

What kind of one-two punch is that? To me, it is the worst of both worlds. We have an embargo that is basically causing an exodus, and we will then have the military option the table, at least psychologically and symbolically which is enormously important now.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. NUNN. So it is my view, Madam President, that as a very practical matter, passing this kind of an amendment would be the worst of all worlds.

Then we turn to the constitutional question. This amendment goes further than the War Powers Act, which we debated for a long, long time before we passed it. Then it was vetoed. Then the veto was overriden. And there are a lot of problems with the War Powers Act. But if you are going to change it, you have to do so in a very thoughtful way.

This amendment basically changes the War Powers Act as to one country. It says one country is different from all the others in the world.

The President tomorrow morning, if this passed and was law, or let us say it passes in a week and becomes law, the President of the United States could invade China and send us a notice within 30 days. He could invade Russia and basically start a major conflict. He could send forces to Bosnia. As far as this resolution is concerned, he could basically take military action against North Korea.

But there would be one country that he would have to jump through hoop after hoop after hoop, and that would be Haiti.

Madam President, no matter what anyone thinks of the present policy, and there are probably people all over the lot on that—I certainly do not represent my views are the majority here. I do not know. But no matter what anyone thinks of our present policy, can we conceive of anything more ridiculous than saying Haiti is in a box all by itself and that nowhere else in the world is going to be like Haiti? It is a separate place, and, by golly, the President has got to do A, B, C, D, E, and F by law or he cannot have any flexibility.

Madam President, this amendment needs defeating. The majority leader

will have a substitute. The substitute will convey some of the same concerns that the authors of this amendment have expressed, but it will be a sense of the Senate. It will not be a matter of law. It will not conflict with the War Powers Act. It will not be unconstitutional or even have the implication of being unconstitutional. And most importantly, it will not take a very difficult situation, where the President needs some flexibility, where he needs counsel but not binding restrictions, and make his situation even more difficult than it is now.

So, Madam President, I would urge the defeat of this amendment. It is in the second degree, and I understand that we will need to vote on it first. There will not be a substitute possible at this stage. But I can assure everyone, based on what the majority leader told me, and I am sure he told the same thing to the Senator from Vermont, there will be an opportunity for everyone who decides they want to vote against this amendment to express their own views through, I think, a more responsible vehicle that leaves the President of the United States, President Clinton, and his whole team of national security people a more broad range set of options than this one.

Mr. LEAHY. Madam President, will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. LEAHY. Madam President, just before the Senator from Georgia came on the floor, I had said that in my 20th year here in the Senate, having served here during the time when President Ford, President Carter, President Reagan, President Bush, and now President Clinton, I could not recall one instance where anybody, either Democrat Senator or Republican Senator, had ever proposed in this body a piece of legislation so country specific that would so tie the hands of a President before the fact as this piece of legislation.

The distinguished Senator from Georgia has been on the Armed Services Committee throughout his career here in the Senate. He has been here longer than I. Can the Senator from Georgia ever recall that we considered such an amendment with either Republican or Democratic Presidents—during the time the Senate majority was Democratic or during the time the majority of the Senate was Republican—such an amendment that would so specifically tie the hands of a President and be so country specific?

Mr. NUNN. I cannot think of an example. I would not pretend that I have gone back and researched the whole record.

We have passed a good many sense-of-the-Senate type resolutions giving the President the benefit of our thoughts on a particular situation.

Mr. LEAHY. I am speaking of binding.

Mr. NUNN. A binding one in law? The only thing I can think of, I say to my friend from Vermont, is the War Powers Act. That was generic and applied to everybody. It did not single out one country.

I cannot think of anything that would cause the leaders in Haiti, who have abused their people there and who caused tremendous hardship there, to rejoice more than passing this amendment tonight.

Mr. LEAHY. I might say to my friend from Georgia I think not only are the points he makes so accurate but he has spoken of the practical effect it will have in Haiti, certainly an effect that I do not think anybody here would want to see happen.

I agree with him. That is exactly what would happen if we passed it.

Mr. DODD. Madam President, will my colleague yield on that?

Mr. LEAHY. If I could finish on this one thought. Think of what we are doing, Madam President.

This is a matter of enormous constitutional impact, because we have disagreements in this body on a Haitian policy, just as apparently there are disagreements within the administration on the Haitian policy and there is disagreements among the public. Then let us debate Haitian policy. Let us set aside a day and everybody step up here and address the Senate. Give the President the value of our advice and the American public. But think of what we are doing.

On an appropriations bill that everyone knows we are going to have to pass at some point certainly before we leave this week, we want to take a step of enormous constitutional import to totally change the rules to do something that probably has never ever been attempted in the 200-year history of our country, and we are going to do it after 2 or 3 hours of debate and toss it on to an appropriations bill.

This is not a responsible way of setting policy. It is a back-door way almost of trying to change the Constitution, and it is certainly a precedent that I would guarantee, if we were to pass it every single one of us at some time in the future would see that as a precedent that we would rue when faced with a different set of circumstances later on.

We should not legislate in this nature for the passing moment. We should legislate for what is in the best interest of the country, what is in the best interest of our constitutional checks and balances. And each one of us should stop and think for a moment that we are the most powerful nation on Earth. We have enormous power residing in the Presidency and in the judiciary and in the Congress, and it works because we have this constitutional checks and balances.

And here we are attempting to eliminate part of that checks and balances and do it in a way with very little thought. It is a step that we should not leap forward on. We are going over a constitutional precipice that I guarantee you, if we were to pass this everyone of us would rue it, and I guarantee historians would write, why did the Senate lose its sense?

Mr. NUNN. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. Would the Senator from Vermont put a question mark after that erudite statement? That was a question I am attempting to answer.

Mr. LEAHY. I agree.

Mr. DODD. I agree there should be a question mark.

Mr. NUNN. I generally agree with the thrust of the Senator's remarks.

I am glad to yield to my friend from Connecticut, but first let me plead one thought.

I hope we do not have to use a military option. In my view the military option would be not very difficult militarily. You never want to put people at risk unless America has a vital stake involved and unless we have tried all other alternatives.

But the military scenario in Haiti would not be very difficult, to say the least, but what would be difficult, and the Senator from Utah mentioned this a little while ago, is we would basically become law enforcement officials. We would basically have to provide the police function, and we would be doing it with military forces.

As we have seen from difficulty in the Middle East and other places, that is a very difficult job for the military, who have a different mission. They are not taught to arrest and detect and prosecute. They are taught to basically search and destroy. That is a different mission.

So I hope that the military option is not required or necessary. But let us do not take it off the table. Let us do not take it away from the President as an option. Let us do not remove this psychological pressure that I hope will be successful in bringing about some resolution of the tragedy in Haiti.

I yield to my friend.

Mr. DODD. Madam President, I just want to subscribe to the thoughts being expressed by our colleague from Georgia. We held 4 hours of hearings yesterday on Haiti.

I want to come back to the underlying question here, putting aside the debate on Haiti for a minute, whether you agree or disagree with what is present policy.

There is a more fundamental issue that is being addressed as a result of our colleague from New Hampshire raising this binding amendment.

It goes far beyond the issue of this particular fact situation that I have been reading over the War Powers Resolution, and my colleague from Georgia is far better acquainted with this

than I. And I see the arrival of our colleague from Virginia who is well acquainted with it, as well.

There has been a 22-year debate on the War Powers Resolution and the debate has not focused on whether or not the Congress has the authority to restrain a President's decision to initiate hostilities prior to congressional approval. The debate has been, one, whether or not he should have to consult with Congress before he engages in those activities and, second, whether, within 48 hours after engaging in those hostilities, he needs to come to the Congress and get some permission. And Presidents going back to President Nixon, if I am not incorrect, have strongly objected to even that restriction on executive power.

Now, that is the question I guess I would ask. But that has been a significant debate.

This amendment goes far beyond that, in that it is a precondition and sets a standard with which no other President has ever been asked to comply in any case specific or even in the generic situation.

Is that the opinion of the Senator from Georgia, as well?

Mr. NUNN. I think that is correct.

I would have to add, on the Iraq situation I think that there was a very strong view in the Congress because of the time element involved, the fact that there were 6 or 7 months of buildup and consideration and sanctions before there was any kind of formal debate in the Congress in terms of Congress' responsibility under the war provisions of the Constitution, that in that case there were a number of people that urged the President of the United States—then President Bush—to come to the Congress before taking military action.

I would have to go back and research it, but I do not believe there was any law that was passed. I am not sure there was even any attempt.

Mr. DODD. If my colleague would yield, President Bush actually requested of us to raise that issue.

Mr. NUNN. Correct.

Mr. DODD. And it was a significant debate. But to the contrary, it was not Congress insisting, it was not a legislatively initiated activity.

Mr. NUNN. But there were a lot of people in Congress, I would say a majority of Congress, that felt pretty strongly that he should ask that permission, given the circumstances and given the Constitution's clear role of Congress in declaring war, because that indeed would be an action anyone would define as a war.

I am not sure what we would call an actual military incursion in Haiti, but it is certainly not comparable to that.

Yet, I think the President ought to maximize his consultations with Congress before taking military action, anyway. But that is a different thing altogether than binding him in law and basically demonstrating to whoever would be your possible adversaries in advance that it is a binding action in law. And that is what we have here before us.

Mr. DODD. I thank my colleague.

Mr. NUNN. I yield the floor.

Mr. DODD. Mr. President, I would like to take a minute or so, if I can, on a general proposition.

First of all, I thank our colleague from Georgia and our colleague from Arizona. Their observations were on the constitutionality of this proposal rather than engaging in debate specifically on Haiti.

But I think it is important to note, with regard to the debate on Haiti itself, that I think the present course of action that the administration is following is a good one. It is a difficult one. It is cumbersome and awkward, but there are several things present here that have not been present in other situations.

One, there is tremendous international cooperation. The United Nations has voted unanimously to impose sanctions. There is the Organization of American States. We are not going it alone in this particular case.

I point out that we have had now, for basically four decades, an imposition of sanctions on Cuba. We have even now put a secondary boycott on Cuba. And people have argued over the years whether or not sanctions, economically, politically, and diplomatically have any affect at all.

As I listened to some of the comments about these sanctions, I am left with the impression by some of my colleagues that somehow it is this administration's fault for the condition under which Haitians are living.

Madam President, I lived on the border of Haiti for 2½ years. It goes back 3 decades ago, but I know this country very, very well. I have been there numerous times.

I would say to my colleagues, sanctions are tough. But these are desperately poor people who live outside of the mainstream of the normal economy of a country.

I would like to think—I would wish in some cases—that the people of Haiti would be affected. But frankly, they are so desperately poor that the issue of commercial flights coming in and out of Haiti, visas, and the like have no impact whatsoever on the average Haitian; even the normal export-import. These are people who live hand-to-mouth. This is not a case where the poor are being adversely affected to the extent that some of our colleagues have suggested.

Now there is an impact. But, Madam President, if we cannot make sanctions work here, then I do not know where we can make them work. If we cannot use sanctions to have some impact on the decisionmakers of that country, the economic elite and the military, I do not know where they could ever possibly work.

Here we have everybody joining us. I gather that Air France, the only airline left, is going to make a decision in the next 24 or 48 hours that will exclude all commercial traffic. Rarely has this country had the kind of cooperation and unanimity of support on an action that we do in this particular case.

Now will it produce the desired results? I do not know that. I am not enthusiastic about a military option here at all, for the very reason the Senator from Georgia and others have outlined. But I do think we ought to give these sanctions an opportunity to try to do the job that we would all like to see done.

Let us remember what happened here. Seventy percent of the people of this country for the first time in their history chose a leader—whether we like him or not is irrelevant—in the freest and fairest election in the history of that country. Jean-Bertrand Aristide was elected by the people of that nation to be their President. And then a handful of colonels and generals threw him out in a coup.

Now there are only two nations left in this hemisphere that do not have democratic governments—Cuba and Haiti.

All we are saying here is, we believe the people of Haiti have a right to be able to have their democratic leader back and the restoration of democracy, and that we are not going to subsidize these colonels and generals as if nothing happened.

You are not going to fly into Florida on American Airlines; you are not going to get a visa to come to the United States.

Is that really that outrageous for us to say we believe in democracy; we think it is important; we think it is in our interest to have democratic countries in this hemisphere?

Now, I am not enthusiastic, as I say, about a military invasion. I would quickly point out that no one I know of is suggesting we have the military stay around and run the country. There is a discussion, if a military invasion occurred, to have an international force go in that would do exactly what the Senator from Georgia has talked about, and that is training to do a policing kind of job, not a search and destroy mission.

I would inform my colleague that has been discussed in the aftermath of a successful military operation.

Again, I emphasize I do not like the idea of us even suggesting at this juncture a military operation. I think we can be successful with sanctions. At least, I think we ought to give them a try, and not just a few hours. That is all we have had, some of the sanctions have not even been imposed yet.

Last, I would just say, and I think this is true everywhere. "You do not ever take off the military option." Again, the Senator from Georgia is absolutely correct in this. You never say what you are not absolutely ever going to do. That is a tremendously crippling disadvantage to place any chief executive of this country in.

Again, you ought to draw that arrow from your quiver very reluctantly, very cautiously, know how to draw it and know how to put it back. And you ought to do that with some thought. But do not ever say, I am never, ever going to do it or I am only going to do it under the following conditions, and let your potential adversary know what those conditions are.

So, again, I emphasize the point here: The condition of Haitians was not imposed by these sanctions. The political condition in that country was not imposed by this administration. These conditions have existed as a result of the political leadership of Haiti for too many years.

There is an opportunity here for some change. It is in our interest, I believe, as a Nation, in this hemisphere and elsewhere to promote democratic governments and to stand up for them where they exist, to try to defend them when they are in trouble, and not to subsidize those who destroy them.

The military leaders in that country destroyed it. And I do not think they ought to be able to send their kids to prep schools in New England and I do not think they ought to go school in Miami and I do not think they should have the rights that other citizens do in other nations that support democracy. That is basically what these sanctions are about.

So, Madam President, I hope, for the reasons more fundamental than the debate regarding Haiti, that this amendment will be defeated.

But, beyond that, I think the Senate ought to look and think carefully about how we are conducting our foreign policy here in Haiti; whether or not there is an intelligent way to go here, so we can try to achieve the desired results that President Bush articulated when President Aristide was ousted and that President Clinton has tried to pursue during his Presidency. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I have followed this debate, as have other Senators, I hope, with great interest. I share the concerns of the distinguished Senator from New Hampshire. I, too, have serious misgivings about the policy of this country with respect to Haiti. But I am of a very clear, unequivocal mind that this amendment transcends the constitutional balance between the executive and legislative branches. And for that reason I will oppose it.

Madam President, I went back and did some research. I would like to refer my colleagues to the CONGRESSIONAL RECORD of October 21, 1993, at which time this body had before it an amendment by the distinguished majority leader and the Republican leader. And the body approved that amendment with the exception, I think, of all but two votes. I urge Senators to take some time, if they so desire, to look at the debate which thoroughly aired many of the issues that are before us as a consequence of this amendment at this time.

I took the opportunity to include in the RECORD as a part of the debate, Madam President, two very detailed memoranda—one written by an Assistant Attorney General on February 12, 1980, during the administration of Ronald Reagan, and a second by the Office of Legal Counsel, dated October 26, 1983.

Both of these detailed memoranda describe this delicate balance between the executive and legislative branches and address the War Powers Act. It is very clear from a long series of well thought out and carefully constructed opinions by the executive branch as well as within our own discussions on this—and I suppose in my 16 years this is probably the 10th or 12th time that I and Senator COHEN and Senator NUNN and others have dealt with this war powers issue—there is a certain clear consistency that this body has followed throughout all of these debates. Regrettably, I say to my colleague from New Hampshire that he has crossed the line. It is for that reason I cannot support the amendment.

I find in these two opinions all the authority to oppose the amendment. If the Senators so desire, look at the memoranda. I wish to associate myself with the remarks of the distinguished Senator from Arizona, the Senator from Georgia, the Senator from Connecticut and, indeed, others who have spoken against the amendment.

I ask unanimous consent to have printed in the RECORD an article by James D. Hittle from the June 13, 1994, Navy Times, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Navy Times, June 13, 1994]

INVADING HAITI IS A U.S. INVITATION TO DISASTER

(By James D. Hittle)

Of all the misguided proposals considered by the Clinton administration foreign policy, the idea of a U.S. invasion of Haiti tops the list.

What's the objective? So far only the wispy ideas about human rights and restoring the Rev. Jean-Bertrand Aristide to power have been the leading reasons to risk U.S. lives and pay for the huge dollar cost of such a wild try. Sooner or later, U.S. troops would get killed.

Over a long period of time the casualties could go into the hundreds, perhaps thousands, and the euphoria of our landing and takeover in Haiti would wear down quickly as the body bags pile up at the shipping points. The public demand would be to "bring the boys home". And body bags there would be, as Haitian regulars and irregulars wage a guerrilla war in the bush against the occupying troops.

I've been in Haiti several times. About the only changes I saw in the countryside over the cities were a slight increase in the number of autos, deterioration of the road system and a worsening of the already abject poverty. It's the poorest country in the Caribbean. U.S. money isn't going to change much of it for the better.

As we look back on our previous effort to bring law and order to Haiti, there isn't much in terms of long-range results to brag about. Then-President Woodrow Wilson sent the Marines into Haiti to straighten it out in 1915. They came out in 1934. While there, the Marines brought a semblance of law and order to the cities. The countryside was largely disputed territory as the guerrillas waged an almost incessant warfare against the occupying Marines.

The 19-year stay of the Marines in Haiti shows how a well-intentioned intervention can stretch into a decade and even longer. Because of the need for pacification of the rural areas, combined with opposing guerrilla warfare, the Marine job, as the years went by, was never quite done.

One of the leading figures early on during the guerrilla warfare was Charlemagne Peralte, a clever jungle fighter and a constant threat to the Marines. In October 1919, an informer said there would be a jungle meeting of the guerrillas, and that Charlemagne would be there. Then-Marine Corps Capt. Herman Hannekden (later a brigadier general), who had been after Charlemagne for months, decided he'd attend the meeting and kill his adversary.

For assistance, Hannekden chose Marine Cpl. William R. Button. Obviously, these two couldn't simply show up at the jungle meeting in U.S Marine Corps uniforms and place Charlemagne under arrest. So Hannekden used old-fashioned imagination. Both he and Button disguised themselves in long native dresses and shawls. This, together with the darkness, gave them the camouflage to gather with the irregulars and their women in the murky fire-lighted jungle clearing. With their weapons tucked out of sight, Hannekden and Button gradually worked their way near Charlemagne.

Without any warning, the two Marines pulled out their guns and Hannekden, with a cool aim, put two .45-caliber slugs into Charlemagne's chest at 15 feet, killing him. Button, meanwhile, dropped nine of Charlemagne's bodyguards. Then the two Marines disappeared into the darkness.

Killing Charlemagne deprived the guerillas of their most able leader and, as a result, saved Marine lives. But the Marines didn't leave Haiti for another 15 years. For their heroism both Hannekden and Button were awarded the U.S. Medal of Honor.

It's questionable if such a bold strike at any enemy leader could be duplicated these days. Even irregulars often have detection and illumination devices, as well as the training, to keep all but the proven faithful away from their leader. But improvisation will continue to be their specialty.

The 1915–34 Marine Corps occupation of Haiti required the commitment of a large portion of the Marine Corps, which in those days was much smaller than today's troop level. Peak strength of the Corps in Haiti in

the years 1925–26 was 2,750. Total Marine levels in 1925 were about 19,000.

During the occupation, 10 Marines were killed in action and 172 died of other causes including tropical diseases. It may not seem a big total, but multiply it by the much larger force the United States would need today to occupy the country. With land mines and deadly automatic weapons, the casualties could go much higher.

But with so much Latin American opposition to U.S. military intervention in Haiti, we could be stirring up more trouble for the United States than Aristide is worth. And with the United States and North Korea on the brink of a shooting war, this is certainly no time for a U.S. military misadventure in Haiti.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, when the amendment was initially offered as a sense of the Senate, I frankly was tempted to lend my support to it. My understanding now is it has been changed into a proposed statutory cutoff of any funds that could be used for a military operation in Haiti.

I would like to say just a couple of words by way of preface to these remarks, about why we are here. I recall many years ago reading a book Stewart Alsop wrote shortly before he died. I believe it was called "Stay of Execution." In it, he recounted an anecdote about Winston Churchill. A waiter set before Churchill a large and tasteless pudding. "Waiter," Churchill said, "pray remove this pudding. It has no theme."

I believe that is precisely why we are seeing the reaction to the present administration, as far as its foreign policy is concerned. It has no theme. There is a distinct perception in this Chamber, I believe on both sides of the aisle, whether one would admit that or not—if not in this Chamber then certainly in the country—there is great doubt about the present administration as far as its foreign policy is concerned.

We saw that, I think, with respect to Somalia. I heard the issue of Somalia raised earlier this evening, that we were fortunate to reject those on this side who wanted to "cut and run." I would like to take specific issue with the notion that we were in favor of cutting and running. What we were concerned about at that time was that we did not have a concrete theme. We did not have a consistent policy. We did not have, in fact, a well-reasoned, well-structured plan of operation. And when we suffered the 18 lives that were lost, there did not seem to be much of a plan as to how we were going to continue in that then hostile environment.

I, for one, am not prepared ever to put the lives of our sons and daughters on the line, in danger, in jeopardy, unless it is not only for a good cause but unless we have a good plan of operation. And we clearly did not have one at that time.

So it was not cut and run but rather we no longer had confidence in the policy that was being pursued. If the policy was right, then we no longer had the military force to accomplish that policy. And that was the reason why there was such concern over here and, I suspect, over there as well.

Madam President, I think you raised the issue, let us not have new rules for Haiti. I have not had time to refresh my memory on this, but I recall there was a Church or a Cooper amendment, back in 1973, that dealt with bombing in Indochina, cutting off the funds. I believe there was a Clark amendment back in 1974 prohibiting any military or paramilitary operations in Angola. Again, I have not had time to go back and thoroughly research that. So I think there has been some precedent in the use of this particular procedure. I do not think it was wise in the past, but there has been some precedent.

I would also like to address the issue of the Constitution. I disagree with my colleague from Virginia. I do not believe it is a constitutional issue. I do not believe the Senator from New Hampshire has walked across the threshold of constitutional powers here. I would like to repeat what I have said time and time again on this Senate floor. While the President may be the executor of foreign policy, he is not the sole architect of foreign policy. And if at times he has been, it has been a matter of practice and not a matter of law that he has exercised that power. Congress is a coequal partner in the formulation of foreign policy. He carries it out. He or she is a coequal partner. But no President can be said to be the sole architect of foreign policy.

I have heard my colleague from Maine, the majority leader, say on many, many occasions: We have had many Presidents in our history. We have never had a king, not once. And we do not have one now.

So it is Congress that has the power, at least a coequal power, in the field of formulating foreign policy.

The President is the Commander in Chief. And the Commander in Chief carries out the policy of the Government. Before he can ever carry out the policy wearing his military hat, a policy must be adopted and in formulating the policy, the President of the United States, as a civilian, acts in conjunction with the U.S. Congress. He then, as Commander in Chief, can carry out that policy. And it is important to recognize that distinction. The President cannot act alone unless it is on an emergency basis, unless he does so to protect the lives of Americans who might be in danger, are in danger, or unless there is an absolute emergency requiring him to act to protect the national security interests of this country. That is when the President can act alone, unilaterally. But he does not raise the armies and he does not support the armies. We do. For that notion to be set as a matter of policy or constitutional law—I think it is a mistake for us to articulate that. He is a coequal formulator of foreign policy and so are we.

I raised this issue in the past dealing with covert action when we had the Iran-Contra hearings. We found out that the President had initiated a covert action without properly notifying the Congress of the United States. When we found out what happened as a result of that covert action, we decided —we thought we were going to take some action right here on the Senate floor to force the President of the United States to notify Congress in advance. And that is what we thought the law was—notification in advance, unless that is not possible because of the exigencies of the moment, in which case notification is required within a reasonable timeframe.

Under the Reagan administration, the Justice Department issued an opinion that said a reasonable time period is whatever the President says is reasonable. It could be 2 days, it could be 2 weeks, it could be 2 months, it could be 6 months, it could be never. It is only when the President said it was time to notify Congress.

I mention that tonight because we have always believed in our society that we must have open debate about our foreign policy. That is why we have the Foreign Affairs Committee and the Foreign Relations Committee, to ventilate the conflicting and competing views of this Nation and then to help, by that debate, to set the policy, to send the signal to the administration, to tell the President this is what we believe is a right course of action. You cannot do that if you are acting covertly.

We recognize that sometimes the President has to act covertly. Sometimes it is imperative that he do so, but on very narrow, limited bases and then—and only then—provided he notifies the select intelligence committees of Congress, the leadership of these two committees, or at least the leadership of the Congress, to let us know what that covert action is designed to carry out, what foreign policy are we seeking to achieve with this covert action.

Absent Congress being notified, we have no participation, we have no role to play. All we can do is react. So many Members on both sides of this Chamber said that is not what we want to do; we want to have an active role in the formulation of policy, be it overt and certainly be it covert.

Presidents have resisted that. They say, no, we are the Commanders in Chief and we have to have the discretion to carry this out, as a matter of constitutional law. I disagree with that. Only under very narrow circumstances.

I think that is the case here. We are talking about debating foreign policy

openly on something that may or may not affect our national security interests.

So I think it is entirely proper that the issue be raised. I think the Senator from New Hampshire has done a great service because he has raised the fundamental fears on the part of this country that we do not know what we are doing, we have not thought out carefully what we intend to do and what the consequences are. If you took an overnight poll—I hope we do not do that—but if you took one, how many people would be willing to, say, send their son or daughter to fight in Haiti?

I remember sitting in my office with "mothers against the war in the Persian Gulf." We had all the reasons we could marshal about why it was important to take on Saddam Hussein. We went through the whole list of what he was doing in Kuwait: the raping, the pillaging, the destruction of the entire country of Kuwait, the threat to blow up the oil wells, chemical warfare, biological warfare, the fact that he could straddle the oil fields of the Middle East, and what a threat that would mean to the national security interests of this country and many of our allies, the potential that he would even go to nuclear weapons, and the intelligence community could not tell us when he might acquire nuclear weapons—it could be a year, it could be 10 years; the fact he was developing a long-range missile capability.

None of that individually was enough to persuade the American people, at least if you looked at the polls, to go to war, and I had mothers against the war sitting in my office saying the blood of our children are going to be on your hands if you vote to go to war tomorrow. That is how reluctant the people of this country are to commit their treasure to another country, be it a neighbor or across the Atlantic Ocean or Somalia or anywhere else.

So I think it is very, very important that this issue be raised and debated here and that we not fall into the argument that the President, as a Commander in Chief, has the sole authority to commit our sons and daughters to a military action. That is not the case, and we ought not to endorse that concept tonight.

I am reluctant to support the amendment the way in which it is structured because I believe that we ought to send messages to the President, we ought to tell him we think it would be a mistake to act militarily. As a matter of fact, I believe the Senator from Connecticut indicated last fall:

> We cannot support indefinitely, or in perpetuity, governments, no matter how much we want to. We cannot send troops into Haiti and expect to become the police force and army of Haiti.

I think he still agrees with that. Most in this Chamber would.

I do not know what the President intends to do. I have heard many rumors. I must say that I think he has to listen very carefully to what is going on in this Chamber this evening. Many of us are reluctant to impose restraints—prior restraints—upon his conduct. We want to give him some flexibility. But that flexibility should not be interpreted as a license.

I recall during our buildup prior to the Persian Gulf war, for almost 6 months I went to President Bush and I said, "Mr. President, I believe you have an obligation to come before the Congress and get our consent before you go to war in the Persian Gulf." That was resisted. There was great difference of opinion. The President reacted rather negatively at the time.

I said, "Forget about the War Powers Act. Let's not debate the War Powers Act."

I think the War Powers Act is constitutional. Every President since its adoption has indicated it is unconstitutional.

"As a matter of practical policy, whether you agree or disagree about its constitutionality, if you commit troops to the Persian Gulf without our consent, I can guarantee you, once we start suffering casualties, the public opinion which you desperately need to solidify the support to maintain a presence in the Persian Gulf will evaporate. Once the bodies start coming home, public opinion will go in precisely the opposite direction, and you know what? Congress will be right behind them, right behind them. What you have to do is you must get our consent up front, you must put us to a vote up front to say we support what you are doing and, absent that support, you will find yourself hanging out there completely alone. You will find yourself in the same situation we found in the loss of public support for what we were doing in Vietnam."

That was a tragedy of immense proportion. The President was involved in a conflict for which the public had long since given up its support. I think if we learned anything from that, it was that if you are going to commit the sons and daughters of this country, to ask them to die for somebody else, you better have public support on your side. You better have Members of Congress on your side. In the absence of that, you will find yourself beating a retreat and the people who will lose their lives will feel and their families will feel, as some of those feel now about what we did in Somalia, that their sons' and daughters' lives were wasted.

I do not believe that is the case, but, nonetheless, that is the deep-seated feeling on the part of some and that will be the feeling any time we take a military operation which is not something that has to be taken overnight but is planned in advance. If you do not have public support for that operation, you run the risk of being forced at some time to back out, to get the troops out. And nothing is more fatal to our foreign policy, to the respect that we need.

Frankly, we do not have it right now. One of the really sad commentaries of today is that many countries—our allies included—do not hold us with very much respect. They see a loss of credibility in our policy. They see a lack of expertise in the field. They see a lack of any kind of sustainable policy that is supported by Congress. So they are reluctant to follow our lead. And that is one of the reasons why we are having so much difficulty getting allies, and others, to listen to what we would like to do, to support our efforts. They simply do not have confidence that we know what we are about.

So, Madam President, I suggest respectfully that whether or not this amendment is adopted, and I do not intend to support it, but the message ought to be very clear: Do not commit our forces to a military operation in Haiti unless you have support, unless you are convinced that the Congress will back you up over the long term.

If anything is more fatal to what we are doing in foreign policy, it is for us to send our troops in and then be forced to pull them out. It signifies weakness, vacillation, inconsistency, a muddled policy and a lack of leadership—all of that—which will undermine our national security interests perhaps more than the reduction of our military capability. If we lose the sense, the perception that we are in command of our policy, we will lose the Nation's respect, we will lose respect internationally, and that will be more damaging to our national security than anything else.

So I commend the Senator from New Hampshire for raising the issue. I think there are legitimate concerns about whether or not this is hamstringing the President, whether or not we ought to take preemptive action to preclude him from taking any action.

I might say the debate on Bosnia is not without some relevance here. Many of us said under no circumstances put ground troops in Bosnia. So we have gone on record, with a sense of the Senate perhaps but we have gone on record, saying no ground troops in Bosnia certainly at this time and perhaps not even if any kind of peaceful accord has been reached.

So that is the function of the Senate, to debate the issues, to ventilate our views, to give the President at least some guidance, in this case not a positive recommendation but one that says we are not satisfied yet that you have persuaded the American people it is imperative under any circumstances to intervene militarily. That may come about at some time, but we have not been persuaded yet. And we would urge you not to take such action until such time as you make the case and you come to us and seek our consent. Without that, I am afraid the policy would

be doomed to failure if it were ever initiated.

Madam President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the only reason I sought the floor, and I will not hold it for more than a moment—I see the distinguished majority leader in the Chamber now—I would assume most Senators have expressed themselves. The Senators I have talked to know exactly how they are going to vote on this issue. I would urge Senators we may be able to try to find a time to vote relatively soon on this. There are other matters that will come up. I would hope that we could dispose of a number of amendments if, indeed, they need rollcall votes this evening.

I yield to the Senator from Maine.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. We have been trying for some time to get an agreement to get a vote on this amendment and have been unsuccessful so far. But I hope that we will be able to do so.

I therefore now ask unanimous consent that at 8:50 p.m. this evening the Senate vote on or in relation to Senator GREGG's amendment No. 2117, as modified; that upon the disposition of his amendment, I be recognized to offer an amendment on behalf of myself and others; that the Senate vote on or in relation to my amendment after it has been reported, and that the preceding all occur without any intervening action or debate, and the time between now and 8:50 p.m. be divided equally between Senator LEAHY and Senator GREGG or their designees.

Mr. McCONNELL. I object.

Mr. MITCHELL. Madam President, may I inquire of the Senator as to what he is objecting and the reasons therefore?

Mr. McCONNELL. All I can say to the leader is that there is an objection lodged on this side to having the back-to-back votes.

Mr. MITCHELL. The Senator does not agree to having a vote on this amendment at 8:50 or he just does not want a vote on the subsequent amendment immediately thereafter?

Mr. McCONNELL. Might I say, I assume the objection might go away with if we go ahead and have the vote on the Gregg amendment and the leader would lay down his amendment and discuss that. That is the only suggestion I have. All I can tell the leader is that I have to object to this particular request.

Mr. MITCHELL. Madam President, just so Senators can understand the situation, the amendment that I will offer is identical in form and substance to an amendment which the Senate previously approved a few months ago by a vote of 98 to 2. We have now debated this subject on several occasions including most recently this evening, and we are all trying hard to make progress on this bill and other matters so that we could complete action and meet our target for the recess.

I do not know what there is left to debate. We have debated this subject several times and the amendment we are going to offer is absolutely identical, word for word, in form and substance to that which was previously debated and voted on by the Senate 98 to 2.

Will our colleagues agree to a vote on that 30 minutes after the vote on this amendment?

Mr. McCONNELL. Madam President, at the risk of being redundant, let me just repeat to the leader, I am constrained to object to the UC request as it is currently constructed.

Mr. MITCHELL. Would the Senator be constrained to object if I asked for a vote on the second amendment, which everybody has already voted on and 98 out of 100 voted for, 30 minutes after the first vote or 40 minutes after?

Mr. McCONNELL. I would have to check with this side.

Mr. MITCHELL. I will just say, Madam President, that when we get to the point when Senators start saying why can we not go home, these are some of the reasons why we cannot go home.

If that is the case, then would the Senator agree to permit a vote on the pending amendment without a time for the vote on the subsequent amendment? The Senator from New Hampshire is here. This will permit him to have a vote on his amendment. We will offer the other one. Then if the Senators want to delay or keep debating on the same subject repeatedly, why, I suppose we could stay and do that.

Mr. GREGG. If the Senator from Maine will yield, I am perfectly happy to vote on both amendments. I have no problem with the sequential vote. Somebody obviously does on our side. But as a practical matter all the time we need—I need to reserve time; the leader wishes to speak on this, and I would like to have 10 minutes to speak on it and therefore the time of 8:40, or 8:50 I guess it was, is fine with me as long as we have 15 minutes on our side and the rest to the opposition.

Mr. MITCHELL. Madam President, in an effort to be accommodating, I will renew the request without a time or a vote on the subsequent amendment. But I will simply say to the Senators that we simply stay here until we vote on that amendment, no matter how long it takes, or if we are not able to vote on that we will just have to stay in until we do.

I just do not see any reason why we cannot vote on an amendment that is identical to that which Senators have already debated at great length. It seems to me that there does not appear, or at least no reason has been advanced or suggested for that.

So I will renew my request that at 8:50—I guess we better make it 8:55 now, if the Senator from New Hampshire wants that much time this evening, the Senate vote on or in relation to Senator GREGG's amendment No. 2117, as modified; that upon the disposition of his amendment, I be recognized to offer an amendment on behalf of myself and others; that the time between now and 8:55 p.m. be equally divided between Senators LEAHY and GREGG or their designees.

Mr. GREGG. 8:50 is fine with me.

Mr. DOMENICI. Reserving the right to object, does the Senator have 2 minutes in that for me or if not could I ask——

Mr. MITCHELL. I made it 8:55 because the Senator from New Hampshire said he wanted 15 minutes.

Mr. GREGG. I will yield the Senator 2 minutes.

Mr. MITCHELL. I renew my request, Madam President, with the vote at 8:55.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, on my time, I would be very brief while the majority leader is here. I would assume, and I would hope people understand, the majority leader wishes to bring up his amendment, which he will be able to do after this. With or without unanimous consent, he will be able to bring it up. Obviously, some could stop us from having a vote on that. Would it be fair to say, I ask my good friend from Maine, that if action is taken to forestall the vote on the majority leader's resolution, we will have further votes this evening? I do not want people to assume we will have this one vote on the Gregg amendment and that is it.

Mr. MITCHELL. To the extent that it is within my power to do so, yes.

Mr. LEAHY. I reserve the remainder of my time.

The PRESIDING OFFICER. The minority leader.

Mr. GREGG. Is the Senator from Kentucky controlling the time or the Senator from New Hampshire?

Mr. McCONNELL. I believe the Senator from New Hampshire controls the time.

Mr. GREGG. I yield such time as he may need to the minority leader.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I thank the Senator from New Hampshire.

As I have looked at the amendment, it looks familiar. It is essentially the same amendment that was offered, as the majority leader has pointed out, a couple months ago—a restriction on funds to invade Haiti because concerns were raised over the diplomatic sensitivity and executive branch privilege.

At that time we modified the amendment to make it a sense-of-the-Senate amendment. I assume that is what will follow this amendment.

Since that time, the war drums have been beating for an invasion of Haiti. Many commentators who were not in the forefront of support for the liberation of Grenada now advocate invading Haiti. And many who did not support the invasion of Panama now want to invade Haiti.

But Haiti is not Grenada, and Haiti is not Panama. American citizens are not in immediate danger in Haiti—as they were in Panama and Grenada. In Grenada, a Communist revolution was underway with the clear goal of expansion. Grenada's neighbors asked for American intervention. In Haiti, Americans are not at risk. Haiti's regime does not threaten its neighbors.

In 1989 an indicted drug trafficker ran Panama, American service persons were beaten and even killed, and the safety of the Panama Canal was at risk. Decisive military action was undertaken to defend American interests.

In both Panama and Grenada, other options were not available. Grenada was an emergency which required immediate action. In Panama, all avenues for a political solution were exhausted, In Haiti, however, the administration has rejected political negotiations. I am informed the U.S. Ambassador in Haiti is not allowed to meet Haitian military leaders. I am informed that Congressman Bill Gray, the President's special representative has not traveled to Haiti, and has not met with democratically elected Haitian parliamentarians.

I do not know why he has not.

So it seems to me that the administration relies on the views of President-elect Aristide and his paid advisers—who get paid pretty well, if you look at the records—and who reject negotiations. Maybe we should send President Carter to explore negotiated options in Haiti. I agree with the assessment of Larry Pezzullo, the last special representative for Haiti:

> By abandoning the track of multilateral negotiations, we have taken on full responsibility for Haiti's future. This is no favor to Aristide, the Haitian people or the Americans who will be sacrificed in the attempt.

As many of us predicted, what the administration has done now is tighten sanctions, which has driven people into boats, driven them out to sea, and forced the people in this hemisphere. It is not going to work. It in no way is going to work, and in my view they are punishing the wrong people.

Yes, there are human rights violations in Haiti—as there are in many countries in the hemisphere. But the boats are clearly free to leave Haiti—and leaving they are at a record rate particularly in the last few days. Unlike Cuba, emigrants from Haiti are not shot by pursuing military forces. Haitians are leaving because the United States-led economic embargo leaves them with no options. And the constant changes in U.S. immigration policy leave the hope that the way to get into America is to set sail.

The United States cannot declare a new foreign policy doctrine: That we will invade if democracy is interrupted. We ignored antidemocratic events in Algeria and in Georgia. We cannot invade every country where human rights abuses occur. We must only use military force where American interests are threatened.

Madam President, I am going to support the amendment by the distinguished Senator from New Hamphire. It seems to me that we have spent a lot of time on this particular issue.

Future historians will question the time and energy spent on Haiti while North Korea's nuclear ambitions are receiving limited attention.

Some have argued that this is a partisan effort. There have been many nonpartisan proposals for Haiti. Some in the Congress have supported establishing a safe haven. I have repeatedly proposed naming an independent commission to look at the real facts in Haiti. The administration has rejected these options. That is not the way to forge a bipartisan policy.

Some have said that the Congress has not put these geographic restrictions on U.S. Armed Forces. Let me remind my colleagues we spent many hours in the 1960's and 1970's on this floor debating amendments on funding limits for United States forces in Cambodia, in Laos and in Vietnam. The Cooper-Church amendment of September 17, 1969, for example, was prior restraint on United States military forces operating in Laos and Thailand. The Clark amendment of the former Senator from Iowa, of the 1970's was prior restraint on United States options in Angola. The Congress has been more than willing to restrain Presidents on foreign policy actions with which it disagrees. So let us not muddy the waters with constitutional arguments or partisan allegations. Let us vote on the issue—do you think Congress should be put in the loop before United States forces are committed to Haiti. That is precisely what it is.

I do not think invading Haiti makes sense. I do not think giving President Aristide veto power over U.S. actions makes sense. And I do not think public opinion polls ought to drive our invasion policy. We all read the news article this morning about a slight increase of support for military action in Haiti. But there was far more support for military action to halt North Korea's nuclear programs. But foreign policy is about more than polls. It is about leadership and it is about tough choices. We should make our own choice tonight—should Congress be involved before we go to war in Haiti?

I urge my colleagues to support Senator GREGG'S amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I yield 2 minutes to the Senator from New Mexico.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise first for the purpose of saying to my good friend from Maine, Senator COHEN, that I was privileged to be on the floor and to listen to his remarks. I compliment him for them. I think anybody that wants a history of what it really means for the U.S. Congress to be part of the foreign policy should either have listened or should read what he has to say.

Whether this proposal passes or not, it is quite obvious that there is kind of a pervasive, prevailing issue. And if the President does not see it, then he is blind. Clearly, that is, you do not commit American military without informing the Congress, at least—and probably history tells us—without getting their consent. We have been successful where Congress is a part because Congress speaks for the people and can take home to their States and their districts the concerns that a President has. If the President does this without Congress, then clearly the people will join on the opposite side almost automatically. It is not because we support something and that they will be with us. But it does indicate that it makes sense, that it is not something that a Chief Executive is doing without the concurrence of Congress and without asking Congress for advice.

So whether it passes or not, the Senator has made the point. If the point is not heard down at Pennsylvania Avenue by this President, then he is going to have another foreign policy failure. This is not a giant country. But for the United States, without Congress being informed or being part of this, to take on the idea of sending American men and women with military equipment in a military approach to that country, if Americans get killed, the President has to say, "I did not even ask Congress. I did not even inform Congress." Today we are saying that, if I read the Senator right. I think the Senator is absolutely consistent with good policy and consistent with what the Constitution really means.

I thank the Senator for his discussion today.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent that I be allowed to proceed for 1 minute on the time of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

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Mr. DODD. Madam President, just to address the last point, obviously the ideal situation is to have support of the American public and Congress. But we should be careful, though, in suggesting that the only time a President could exercise the option of military force ought to be when there is absolute congressional approval or popularity for the decision. That is always a convenient perspective. But in most cases, the people of this country have been reluctant about our foreign involvement. If Franklin Roosevelt had run in 1940 on the proposition that we were going to enter World War II, he might have been in serious political difficulty even though lend-lease and other things were involved.

We have been historically an isolationist country, because, by and large, our parents and great grandparents left the nations they were in because of the turmoil in the countries in which they resided. So there is a historic reluctance about foreign policy.

I have listened very carefully to the comments of my colleague from Maine, and I have great respect for him in this area. But as to this notion of always having congressional approval, I would remind him that we did not in Grenada. We did not in Panama. By the way, I supported both of those actions.

But had the President come and asked for permission in Panama and Grenada, you might have had a different perception for United States forces.

So I think you have to be selective in how you approach the issue of prior congressional approval or even consultation, in a broad sense.

Second, the notion of popular support on these issues, again, ideally you ought to have it. Hopefully, you will. But we cannot conduct our foreign policy on the basis of whether or not the American public from day to day are going to necessarily agree with the actions that are taken.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time do we have remaining?

The PRESIDING OFFICER. There are 5 minutes and 26 seconds remaining for the proponents of the amendment; 10 minutes and 13 seconds for the opponents of the amendment.

Mr. GREGG. I ask the Senator from Vermont, will he use all of the time?

Mr. LEAHY. The majority leader has requested 5 or 6 minutes of the time that I might have.

Mr. GREGG. To speak last?

Mr. LEAHY. Yes.

Mr. GREGG. Madam President, I yield myself the remainder of my time.

I think it is important to recognize what we are voting on here and what we are not voting on. There has been much representation that has been inaccurate. The contention that in the Grenada situation and the Panama situation just reflected, that prior approval would be required, is inaccurate under this amendment. The statement that the President must come to Congress and get approval is inaccurate. Under this amendment, he must just send a report to the Congress outlining what he intends to do, and then he is qualified. One of the elements of this amendment could require prior approval, but it is not the only manner in which he can proceed if there is an emergency, where citizens are at risk, or when there is a vital national interest. And where it requires immediate action, he can just submit a report telling us what he is up to and why he intends to do it. So there is a lot of flexibility here for the President.

Second, it is important to understand that much more restrictive actions have been taken relative to the power of the President by this body and by the House of Representatives, and the representation that that is not true is inaccurate. I refer this body to the Boland amendment and the Clark amendment.

I will read from the Clark amendment:

> Notwithstanding any other provision of law, no assistance of any kind shall be provided for the purposes or which would have the effect of promoting or augmenting directly or indirectly the capacity of any nation,—

Which I presume includes us—

> group, organization, movement, or individual to conduct military or paramilitary operations in Angola.

That was the Clark amendment. This amendment I have offered here, compared to that amendment, is a dam with innumerable holes in it with the water flooding through. The simple fact is that this amendment does not tie the hands of the President. What this amendment does do is require that the President tell the American people what he is up to in Haiti, what is his policy in Haiti, which is something we have not heard. If he intends to invade Haiti, why?

Why should he tell the American people that? Because it is American lives that are going to be at risk. When that son or daughter hits the beach in Haiti or finds himself or herself on a street in Port-au-Prince fighting for his or her life, that person needs to know why. It is the obligation of this President to tell us, to tell this Congress and, in that way, tell the people of the United States. That is all we ask for in this amendment. Give us a report and tell us why you are going in there. There is clear movement by the administration to move toward the avenue of invasion. Their policy of sanctions have failed; there has been discussion of that. It failed because it was inappropriately designed. But there is no justification, in my opinion, for invasion.

If refugees are the issue, we should be invading Mexico, because the Mexican refugees that come up here multiply by a factor of about 2,000 compared to the number coming from Haiti. If the issue is drugs, we should be invading the Bahamas, because their problem with drugs passing through them is dramatically more significant than Haiti.

The fact is that this administration has not come to the American people and told us what the national interest is, and that requires us putting at risk American lives. They have an obligation to do that before they risk American lives. That is all this amendment says.

As a final comment, I make this point: I guess I come from a region of the Nation where—and I suspect most regions of the Nation are like this—when you say something, they expect you to mean it. Well, this Senate passed this exact language, and we may pass it again tonight in an act of what would have to be called "ultimate inconsistency," but we passed this exact language as a sense-of-the-Senate in October. Now we are told that we cannot do it as a force of law. Well, I think the American people may have a jaundiced view of the Congress and what it stands for, and possibly that type of an exercise in obfuscation is an example of why. If we passed it as a sense-of-the-Senate, we ought to have the wherewithal and the desire and the willingness and the Constitution to back it up as an act of law.

So I think it has been misrepresented as more than it is, as some sort of constitutional impairment of the Presidency. It is not. In fact, it is significantly less than what Congress has done many times under the Boland amendment and Clark amendment. It has been represented that the President must come to us and get prior approval. That is not accurate. He must just tell us what he is up to. It is a chance for the President to tell the American people when he decides, if he should decide.

One Senator basically said he had decided for all intents and purposes—or that Senator felt he should decide—to invade. This amendment provides that if he decides to invade another nation, tell us why, so that when our American soldiers go into that nation, the American people will be behind him because they will understand the reasons why. That is the purpose of this amendment.

I yield whatever time I have remaining.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Madam President, I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Madam President, I will be necessarily brief. I am going to vote against this amendment, but not for some of the reasons stated. I think it is an axiomatic under the war clause of

the Constitution that the President cannot use forces abroad in hostilities, except in certain limited circumstances, without the consent of Congress.

This is an incredibly poorly drafted amendment that is essentially a case-specific attempt at rewriting the War Powers Resolution. We have never, to the best of my knowledge, in an anticipatory way, suggested that a President of the United States must go to the U.S. Congress in anticipation of the probability that he or she might invade a particular country. By implication, this says that the President only has to get approval with regard to Haiti. But if he wants to go into Ukraine or Jordan, or if he wants to go into wherever, he can do it without bothering to obtain the consent of Congress.

This is, quite frankly, the most confusing and, I believe, damaging debate that has taken place on the question of what are the constitutional limitations on Presidential power.

I end by saying that we have been trying now—some of us—for the better part of 4 years to rewrite the War Powers Resolution. I have a proposal, as do others, called the Use of Force Act. But to attempt to do this piecemeal, in anticipation of the possibility that the President may take an action, which under the Constitution, most constitutional scholars would tell you he does not have the right to take anyway, seems to me to be, by implication, suggesting that if we do not approve this amendment, the President has the inherent authority to do what you are worried about being done in Haiti.

I respectfully suggest that this is the wrong way to go about this, and I will not ascribe any political motivation, except an intellectual inconsistency. This is, in a fundamental sense, the wrong way to deal with a serious problem. We should revisit the War Powers Resolution and rewrite the War Powers Resolution. But this does not do it and does not do it well.

Therefore, I shall vote against this amendment.

Mr. LEAHY. How much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 7 minutes 35 seconds remaining.

Mr. LEAHY. Madam President, one, I concur with the words of the Senator from Delaware. Again, I say that we are raising an issue of great constitutional magnitude, tossing it on as though it is some little earmark on a foreign aid bill. It is not. It is an issue that should be debated. Let us debate the War Powers Act as a standing item, but not on this. It diminishes the Senate, diminishes our own sense of the Constitution. It is flatout wrong.

Madam President, I yield the remainder of my time to the distinguished Senator from Maine, the majority leader.

Mr. MITCHELL. Madam President, this is a subject which has been debated on many occasions in the Senate. The Senate has already voted on the same issue which is being presented here this evening.

It is not uncommon for the Senate to debate and vote on the same thing on many occasions.

But I think it is appropriate to understand that a few months ago the Senate voted 81 to 19 in opposition to an amendment which is similar, indeed I believe identical in effect, although similar language, to the amendment which is now being offered.

Thereafter, the Senate voted 98 to 2 in favor of an amendment in the form of a sense-of-the-Congress resolution that is identical both in effect and words to that which I will offer immediately after the vote on this amendment.

It is my hope that we can vote promptly thereafter. There will be no need for debate. And I will ask, as soon as I am recognized and offer my amendment, that we proceed to vote on that amendment then.

Everything has been said that need be said on this subject. In fact, I think it has been said several times over on both sides of the debate, and there really is not much more that I can add to shed any light on the subject.

Nothing has happened, in my judgment, that justifies a reversal of position by the Senate or by any Senator. Those 19 Senators who voted for this amendment a few months ago would be perfectly justified in voting for it again. Those 81 who voted against it should, in fact, vote against it again, because it is the same thing. Then, when the sense of the Congress is offered after, it, too, is the same thing, and the 98 Senators who voted for that should, if consistent, vote for it; and the 2 who voted against it are, of course, free to do so.

So, Madam President, just so there is no misunderstanding in this respect, so there will be spread upon the RECORD for every Senator to see what it is we are doing, I ask unanimous consent that there be printed in the RECORD, first, the amendment offered at that time by the distinguished Senator from North Carolina, which is identical in effect and intention, although not in word, to that now being offered, to be followed by a record of the vote on that amendment, and then a copy of the sense-of-the-Congress resolution which we voted on, and then a record of the vote on that resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELMS (AND BROWN) AMENDMENT NO. 1072

Mr. HELMS (for himself and Mr. BROWN) proposed an amendment to the bill H.R. 3116, supra; as follows:

"At the end of the committee amendment on page 154, insert the following:

"SEC. 8142. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Armed Forces of the United States to conduct operations in Haiti unless (1) operations of the Armed Forces of the United States in Haiti are specifically authorized in a law enacted in advance of the operations, or (2) the President certifies in writing to Congress that United States citizens in Haiti are in imminent danger and that a temporary deployment of the Armed Forces of the United States into Haiti is necessary in order to protect and evacuate United States citizens in Haiti. In the event of a certification under clause (2) of the preceding sentence, funds referred to in that sentence may be obligated and expended for the Armed Forces of the United States to conduct operations in Haiti only to the extent necessary for the Armed Forces to provide the protection and complete the evacuation certified as necessary."

[Rollcall No. 321 Leg.]

YEAS—19

Brown	Kempthorne
Craig	Lott
D'Amato	Murkowski
Dole	Nickles
Domenici	Pressler
Faircloth	Roth
Grassley	Smith
Hatfield	Stevens
Helms	Thurmond
	Wallop

NAYS—81

Akaka	Moseley-Braun
Baucus	Moynihan
Biden	Murray
Bingaman	Nunn
Boren	Pell
Boxer	Pryor
Bradley	Reid
Breaux	Riegle
Bryan	Robb
Bumpers	Rockefeller
Byrd	Sarbanes
Campbell	Sasser
Conrad	Shelby
Daschle	Simon
DeConcini	Wellstone
Dodd	Wofford
Dorgan	Bennett
Exon	Bond
Feingold	Burns
Feinstein	Chafee
Ford	Coats
Glenn	Cochran
Graham	Cohen
Harkin	Coverdell
Heflin	Danforth
Hollings	Durenberger
Inouye	Gorton
Johnston	Gramm
Kennedy	Gregg
Kerrey	Hatch
Kerry	Hutchison
Kohl	Jeffords
Lautenberg	Kassebaum
Leahy	Lugar
Levin	Mack
Lieberman	McCain
Mathews	McConnell
Metzenbaum	Packwood
Mikulski	Simpson
Mitchell	Specter
	Warner

DOLE (AND OTHERS) AMENDMENT NO. 1074

Mr. MITCHELL (for Mr. DOLE for himself, Mr. MITCHELL, Mr. GRAHAM, Mr. SIMPSON, Mr. THURMOND, Mr. WARNER, Mrs. HUTCHISON, Mr. D'AMATO, Mr. MURKOWSKI,

Mr. DODD and Mr. DOMENICI) proposed an amendment to the bill H.R. 3116, supra; as follows:

"At the appropriate place in the bill, insert the following:

"SEC. . SENSE OF CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI

"(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

"(1) all parties should honor their obligations under the Governors Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

"(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

"(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

"(b) LIMITATION.—It is the sense of Congress that funds appropriated by this Act should not be obligated or expended for United States military operations in Haiti unless—

"(1) authorized in advance by the Congress; or

"(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than forty-eight hours after the initiation of the temporary deployment; or

"(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than forty-eight hours after the initiation of the deployment; or

"(4) the President transmits to the Congress a written report pursuant to subsection (c).

"(c) REPORT.—It is the sense of Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

"(1) is justified by United States national security interests;

"(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of United States Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

"(3) will be undertaken only after an assessment that—

"(A) the proposed mission and objectives are most appropriate for the United States Armed Forces rather than civilian personnel or armed forces from other nations, and

"(B) that the United States Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

"(4) will be undertaken only after clear objectives for the deployment are established;

"(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

"(6) will be undertaken only after the financial costs of the deployment are established.

"(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti."

[Rollcall No. 322 Leg.]

YEAS—98

Akaka	Sarbanes
Baucus	Sasser
Biden	Shelby
Bingaman	Simon
Boren	Wellstone
Boxer	Wofford
Bradley	Bennett
Breaux	Bond
Bryan	Brown
Bumpers	Burns
Campbell	Chafee
Conrad	Coats
Daschle	Cochran
DeConcini	Cohen
Dodd	Coverdell
Dorgan	Craig
Exon	D'Amato
Feingold	Danforth
Feinstein	Dole
Ford	Domenici
Glenn	Durenberger
Graham	Faircloth
Harkin	Gorton
Heflin	Gramm
Hollings	Grassley
Inouye	Gregg
Johnston	Hatch
Kennedy	Helms
Kerrey	Hutchison
Kerry	Jeffords
Kohl	Kassebaum
Lautenberg	Kempthorne
Leahy	Lott
Levin	Lugar
Lieberman	Mack
Mathews	McCain
Metzenbaum	McConnell
Mikulski	Murkowski
Mitchell	Nickles
Moseley-Braun	Packwood
Moynihan	Pressler
Murray	Roth
Nunn	Simpson
Pell	Smith
Pryor	Specter
Reid	Stevens
Riegle	Thurmond
Robb	Wallop
Rockefeller	Warner

NAYS—2

Byrd	Hatfield

Mr. MITCHELL. Madam President, every Senator will be able to see exactly what it is he or she voted on just a few months ago. Then, of course, we will have the vote now on the same two issues, and we can have it all spread out on the RECORD so everyone can understand the identical nature of what it is we are doing.

I recognize that every Senator has a right to offer any amendment he or she wants and to say whatever he or she wants, and I guess it is fortunate for the Senate there is no rule of redundancy in the Senate.

But I repeat, in conclusion, as the vote will occur now in just a couple minutes, we are debating and voting on a subject that we have already debated and voted on. In fact, rarely do we have a debate that is almost verbatim of what was said in the previous debate. And rarely do we vote on amendments that are almost identical in one case here word for word what we voted on.

I do not know what is going to happen, but it would not surprise me if we go through this exercise yet another time in a few weeks. So I thought it would be useful for every Senator to have it all spread right out so they could see the past amendments, the past votes, the present amendments, the present votes. I hope there will be no further amendments and further votes.

Madam President, I urge my colleagues to be consistent with their previous position, reject this amendment, and then also being consistent with their previous position, vote for the resolution which I will, under the order, offer immediately following the vote on this amendment.

Madam President, I yield the floor and yield back the remainder of our time.

Mr. MOYNIHAN. Mr. President, I will oppose the Gregg amendment. This amendment is not a constructive means to address the complex issue of war powers. Moreover, the adoption of this amendment would be misinterpreted in Haiti and would weaken the President's hand in dealing with the situation and embolden Haiti's military rulers.

I believe that speakers have made it clear that this is not, in reality, a vote on the War Powers Act. We already have a War Powers Act. Adopting an amendment which singles out Haiti, would set an unfortunate precedent. Furthermore, it implies that absent the Gregg amendment the President is free to act as he pleases without the authorization of Congress.

VOTE ON AMENDMENT NO. 2117, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2117, as modified, offered by the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending funeral.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—34

Bennett	Coats	Craig
Bond	Cochran	D'Amato
Brown	Coverdell	Danforth

Dole	Hutchison	Roth
Domenici	Kempthorne	Simpson
Faircloth	Lott	Smith
Gorton	Lugar	Specter
Grassley	McConnell	Stevens
Gregg	Murkowski	Thurmond
Hatch	Nickles	Wallop
Hatfield	Packwood	
Helms	Pressler	

NAYS—65

Akaka	Feinstein	McCain
Baucus	Ford	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Graham	Mitchell
Boren	Gramm	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Heflin	Murray
Breaux	Hollings	Nunn
Bumpers	Inouye	Pell
Burns	Jeffords	Pryor
Byrd	Johnston	Reid
Campbell	Kassebaum	Riegle
Chafee	Kennedy	Robb
Cohen	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Dorgan	Levin	Warner
Durenberger	Lieberman	Wellstone
Exon	Mack	Wofford
Feingold	Mathews	

NOT VOTING—1

Bryan

So the amendment (No. 2117), as modified, was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 2118

(Purpose: Expressing the sense of the Congress with respect to Haiti)

Mr. MITCHELL. Mr. President, on behalf of myself, Senator LEAHY, Senator WARNER, and Senator BIDEN, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. LEAHY, Mr. WARNER, and Mr. BIDEN, proposes an amendment numbered 2118.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment add the following:

SEC. . SENSE OF THE CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI

(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Congress that funds appropriated by this Act or any other Act should not be obligated or expended in Haiti unless—

(1) authorized in advanced by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than forty eight hours after the initiation of the deployment; or

(4) the president transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by U.S. national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of U.S. Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the U.S. Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the U.S. Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of U.S. diplomatic or other U.S. government facilities, or operations to counter emigration from Haiti.

Mr. MITCHELL. Mr. President, this amendment is identical in form and substance to an amendment adopted by the Senate by a vote of 98 to 2 a few months ago. We have debated the subject, in my judgment, far more than is necessary. I believe there is nothing more to add.

I, therefore, request the yeas and nays and am prepared to vote on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Kentucky [Mr. MCCONNELL].

Mr. McCONNELL. Mr. President, I am told that there are some on this side who would like to speak briefly to the sense-of-the-Senate amendment. We had suggested to the leader—actually asked the leader if this was going to be the last vote of the evening. I was wondering what his plans were subsequent to the vote on this next amendment.

Mr. MITCHELL. Our plans are to proceed on the bill. A large number of Senators have said we want to be sure and get out of here by Friday evening. Of course, if we do not vote on Friday and we do not vote on Monday and we quit now, then we will be here Friday evening. So I think the best way to accomplish that is to proceed.

I hope we are not going to get into a situation where Senators are going to delay a vote on this simply because there are going to be other votes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORATION OF FUNDING FOR THE WORLD FOOD PROGRAMME

Mr. COCHRAN. Mr. President, it is my understanding that the State Department requested $5 million as the U.S. contribution to the administrative budget of the World Food Programme, the Food Aid Agency of the United Nations system. The Office of Management and Budget reduced this figure to $2 million in the President's budget. I would like to see this figure restored to $3 million, the amount in the current budget. I believe this addition is important to support the critical work the organization is undertaking throughout the world, often in very trying and dangerous situations.

Mr. LEAHY. I appreciate the distinguished Senator from Mississippi bringing this to the Senate's attention. The vital work of the World Food Programme requires a continuation of funding by the State Department at the current $3 million level. I assure the Senator we will make that clear in conference.

Mr. McCONNELL. If the Senator will yield, I agree with the distinguished Senators from Vermont and Mississippi on the importance of the World Food Programme and the need to maintain the existing level of funding.

Mr. COCHRAN. I thank the managers.

NIS SECONDARY SCHOOL INITIATIVE

Mr. BRADLEY. Mr. President, I rise to express my enthusiastic support for the NIS Secondary School Initiative, which was created by the Freedom Support Act in 1992 and is administered by the U.S. Information Agency. I believe this exchange program is a valuable investment in people and one of the most successful components of our assistance to the former Soviet Union. Since January 1993, over 5,500 students have participated in the program, forming the foundation for relations between our nations in the coming years. The academic-year component of the program has given over 1,200 high school students from the former Soviet Union the opportunity to spend the past year living with host families and attending schools in communities across America. This past month I met with nearly 500 of these students, and I was struck by their spirit, energy, and openness. These young people—so dedicated to their own countries—return to the former Soviet Union with a firsthand understanding of America's democracy, pluralism, and free market economy, as well as with personal bonds with American friends and families that will last a lifetime. I want to applaud Senator LEAHY's leadership in developing this program and in ensuring that it continues to give thousands more of these young people from Russia, Ukraine, and the other former Republics the opportunity to visit America. Does the chairman agree that this program has demonstrated its importance and merits continuation?

Mr. LEAHY. I agree with the Senator from New Jersey that this program has been a great success. By giving these students the opportunity to experience firsthand the possibilities, challenges, and privileges of living in a democracy with a free market economy, these exchanges form the foundation for building democracy throughout the former Soviet Union. I strongly support the continuation and expansion of this program, and I look forward to welcoming the next group of participants to the United States next fall.

Mr. BRADLEY. And is it the intention of the chairman to work in conference to ensure that the conferees recommend that the NIS high school exchange program receives $25 million of the NIS assistance funds appropriated in the fiscal year 1995 Foreign Operations bill?

Mr. LEAHY. Yes, I will propose language in conference recommending that this program receives $25 million from the fiscal year 1995 NIS appropriation, to go toward its expansion in the 1995–96 school year. It is my hope that USIA will send upward of 8,500 students on NIS secondary school exchanges in 1995–96.

FOOD FOR PEACE

Mr. LAUTENBERG. Mr. President, the distinguished manager of the bill and I have worked together in past couple of years to see if foods that we ship overseas in the Public Law 480 Food for Peace Program, administered by AID, could be fortified with vitamin C. In my view, fortification of these grains would make the food we ship overseas more nutritious and would prevent illness.

However, despite our interest in this issue, AID has not yet determined whether or not fortified food remains intact during the shipment process and also has not told Congress how much it would cost to fortify grains to 100 mg per gram ration for the Public Law 480 Food and Peace Program.

Therefore, I would like to ask the distinguished floor manager, Senator LEAHY, if he would seek to include report language in conference that would direct the President to do the following:

First, provide an estimate on how much it would cost to fortify grains shipped in the Public Law 480 Program to 100 mg per 100 gram ration.

Second, report on whether or not the fortification of these grains is stable through the shipping process.

Third, submit a report to Congress before the next appropriations cycle on these issues so that the appropriations committees may make an informed decision on this issue.

I understand that the Senator from Vermont cannot guarantee anything in a conference with the House, thus I would simply ask if he would work with me to develop appropriate report language on this issue that would achieve our shared goals.

Mr. LEAHY. I would be happy to work with the Senator from New Jersey to resolve this issue in conference.

CDP/CDR

Mr. WOFFORD. Mr. President, I would like to enter into a colloquy with the distinguished manager of the bill, the chairman of the Senate Foreign Operations Subcommittee.

I am a strong supporter of a program funded in this bill—Cooperative Development Project and Cooperative Development Research. CDP/CDR promotes joint projects among the United States, Israel, Eastern Europe, and the Central Asian Republics—and among the United States, Israel and the developing world. CDP/CDR serve to boost these regions' science and technology infrastructure, and solve problems in the fields of agriculture, environment, energy, and health.

For the past 2 years, these programs have been earmarked. CDP/CDR is an excellent example of a creative foreign aid program that maximizes our foreign assistance efforts in key regions of the world. Israeli expertise in the fields of drip irrigation, malaria—combatting bacterium, environmental cleanup, and energy efficiency have all been brought to these countries through the CDP/CDR. What this program could bring the United States is increased stability and self-sufficiency in parts of the world where the United States has been asked to intervene in times of crisis.

Although CDP/CDR is not earmarked in the fiscal year 1995 Senate Foreign Operations bill, it is important to note that this program enjoys strong, bipartisan support in both Houses, and that the Congress does expect the administration to use funds appropriated by this act to fully fund the CDP/CDR program.

Mr. LEAHY. I share the Senator's support for this worthy program. CDP/CDR has made a valuable contribution to our development efforts in many parts of the world. I, too, expect the administration will fully fund CDP/CDR in fiscal year 1995, and that it will continue to play an important role in the former Soviet Union, Eastern and developing countries. Last year the administration clearly committed in writing at the time of the conference on this bill that they would fully fund this valuable program. I will seek the same commitment from them this year.

Mr. WOFFORD. I thank the chairman for his statement on CDP/CDR. I am pleased that we agree on this outstanding program, and would look forward to working with him to secure a commitment from the administration on the program.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, will the Senator withhold? Will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Mr. President, I will just tell the distinguished Senator from Louisiana that I had told the distinguished Senator from Kentucky that I would reinstate the call of the quorum when I finished those items.

Mr. JOHNSTON. I wonder if this would be an appropriate time to make a statement on another subject?

Are we ready to vote?

Mr. MITCHELL. I might inquire of the Senator from Kentucky, through the Chair, can we have any indication of how long the Senator intends to keep us in a quorum call, or knows when the vote may occur?

Mr. McCONNELL. I thought he had learned through his staff that I am checking with the Republican leader and I should be able to report back.

Mr. MITCHELL. Does the Senator have any objection during that time if the Senator from Louisiana proceeds?

Mr. LEAHY. I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I rise to voice serious objection to language in this bill on page 34 which, in effect, puts an embargo on foreign military sales to Indonesia.

I think this is a very serious mistake for the United States to be doing this. The House has language continuing a ban on what we call IMET funds; that is, the military training funds. And this is, in effect, a sanction against Indonesia for the policy in East Timor.

What the Senate has done is to substitute for the ban on IMET funds, in effect, a ban on foreign military sales if those foreign military sales would be used in East Timor.

The problem is that any of these sales can be used anywhere in Indonesia. For example, the C–130, which is made in, I think, over 40 States in the United States and sold in fairly large quantity to Indonesia, flies all over Indonesia. If you cannot fly to East Timor, then you probably will not be able to sell the C–130 or spare parts for the F–16. The F–16 lands all over Indonesia. There are all kinds of spare parts, there are all kinds of weapons which are sold to Indonesia. So that we have in this language the start of what is, in effect, an arms embargo on foreign military sales.

I can tell you, Mr. President, the Indonesians are outraged about this language. It is much worse than the House language.

We could debate all night about East Timor and about human rights in Indonesia, which I believe are greatly improving. It is an emerging country. We could debate for a long time, and I think we ought to debate the question of Indonesia, their record on human rights and the situation in East Timor.

I believe Indonesia deserves the support of the United States. They are the fourth largest country in the world. They are the largest Moslem country in the world, and we keep poking them in the eye. They are one of the world's leading emerging countries in terms of economy. They will be buying $130 billion in infrastructure imports over the next decade. They are a key player in ASEAN and in APEC. Indeed, the President is going to APEC this fall, and while he is doing that, we are putting, in effect, an embargo on foreign military sales.

Mr. President, what is the policy of the State Department on this? I will be frank to tell you, I do not know. They tell me they are opposed to it, but a letter from them is not forthcoming, so I do not know what the policy is.

I have a letter from the Deputy Secretary of Defense, John M. Deutch, who says:

I am writing to express the views of the Defense Department on a matter of some concern. A provision in the Foreign Operations Appropriations bill as reported by the Senate Appropriations Committee would place significant restrictions on the use of defense equipment that Indonesia purchases from the United States. Specifically, this provision would bar Indonesia from using defense items purchased through the Foreign Military Sales Program in East Timor.

We oppose this provision, and in coordination with the State Department, are working with concerned Senators such as yourself to see if it can be revised. We are concerned that passage of this provision would disrupt our modest yet important security relationship with this strategic country and would drive the Indonesian defense establishment away from U.S. sources of equipment.

As you certainly know, we have many important interests in Indonesia; improved human rights, as well as solid defense ties are among the many objectives we pursue. We strongly believe that active engagement with the Indonesian military through training and FMS programs and other defense cooperation better positions us to positively influence the development of improved human rights conditions. Through our interaction with the Indonesian military at all levels, we play a role in the candid dialog the administration conducts on human rights and the issue of East Timor.

The Office of Management and Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this letter for the consideration of Congress.

Signed John M. Deutch, Deputy Secretary of Defense.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, June 29, 1994.

Hon. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: I am writing to express the views of the Defense Department on a matter of some concern. A provision in the Foreign Operations Appropriations Bill as reported by the Senate Appropriation Committee would place significant restrictions on the use of defense equipment that Indonesia purchases from the United States. Specifically, this provision would bar Indonesia from using defense items purchased through the Foreign Military Sales program in East Timor.

We oppose this provision, and in coordination with the State Department, are working with concerned Senators as yourself to see if it can be revised. We are concerned that passage of this provision would disrupt our modest yet important security relationship with this strategy country and would drive the Indonesian defense establishment away from US sources of equipment.

As you certainly know, we have many important interests in Indonesia; improved human rights as well as solid defense ties are among the many objectives we pursue. We strongly believe that active engagement with the Indonesian military through training and FMS programs and other defense cooperation better positions us to positively influence the development of improved human rights conditions. Through our interaction with the Indonesian military at all levels, we play a role in the candid dialogue the Administration conducts on human rights and the issue of East Timor.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for the consideration of Congress.

Sincerely,

JOHN M. DEUTCH.

Mr. JOHNSTON. Mr. President, I would have had an amendment on this issue, but I was led to believe that the State Department would take a position and would give us a letter. They will not give us a letter. They say we are opposed to it, we want you to work it out.

What is our position from the State Department in East Timor and Indonesia, the fourth largest country in the world? We ought to have a position and we do not. Consequently, I do not have an amendment, but I think this is a huge mistake. I think it ought to be looked at in the conference committee. I hope they will look at it in the conference committee, and I hope the State Department will tell us one way or the other, do they want it, do they want to go back to the IMET ban, do they want to have foreign military sales bans? What do they want to do?

This is not beanbag, Mr. President. This is important foreign policy with the largest Moslem country in the world, and fourth largest country in the world, and one of the fastest emerging countries, and a traditional friend of the United States. They stood by us all the while in Vietnam and everyplace else. They are a demonstrated friend of the United States. If we are going to poke them in the eye, it ought to be intentionally, it ought to be the foreign policy of this country and not makeshift policy where nobody knows exactly what is the policy of the country.

I hope that we will look at this issue in the conference committee.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota, Mr. PRESSLER, is recognized.

Mr. PRESSLER. Mr. President, it is my strongest feeling in this debate on Haiti that we should not shed a single drop of American blood. I feel strongly that no troops should be sent there. I feel strongly that the problems in Haiti must be resolved by their people. The expectation is that we are going to solve their problems. America cannot do that. Even if we sent troops there, they could not restore democracy. That is a fallacious argument.

Some say we have an obligation to send troops to restore democracy. But that would not restore democracy in Haiti. United States troops cannot restore democracy in Haiti.

First, we should make clear there should be no United States troops sent to Haiti. Second, I feel strongly we should consider lifting the embargo. The embargo is hurting the poor people the most. I am very much in favor of an end to military rule. I am very much in favor of democracy in Haiti. Unfortunately, we are on the opposite course. We should implement a policy of not deploying United States troops to Haiti under the current circumstances, proceed with normal immigration procedures, and lift the embargo. That is just about the opposite of what the administration is doing.

That would lead to democracy and an end to military rule much faster. The course we are on leads the Haitian people to believe that the United States is somehow going to miraculously restore democracy in Haiti, a country that has never known democracy. Aristide has said he will not go back to Haiti as a result of a military invasion. Almost all who have followed these events say Haiti could not sustain democracy.

Almost all experts say the embargo is hurting the poor and the impoverished worst of all, and the people running the country, the military junta, are not going to give up or be hurt. We are pursuing the opposite policy we should with Haiti. We should reverse ourselves 180 degrees and we should do it now.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. MITCHELL. Mr. President, will the Senator withhold.

Is the Senator prepared to indicate whether we can vote on this matter at this time?

Mr. McCONNELL. I would say to the leader I am happy to indicate as soon as I have an opportunity to talk to the Republican leader, who is expected momentarily.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I wonder if I could have the attention of the Senator from Louisiana [Mr. JOHNSTON].

I heard the Senator's remarks about Indonesia, and I am not an expert in this area. I know our colleague, Senator FEINGOLD, has paid a great deal of attention to that. There is concern about what Indonesia is doing in East Timor and their pressure on the Philippines and others and then the recent crackdown on freedom of the press in Indonesia.

I have to say the conduct of Indonesia just recently in this regard has not encouraged me—and again I am a nonexpert in this field, but has not encouraged me to go with the Senator from Louisiana on his position. I would be curious as to his response on that.

Mr. JOHNSTON. The Senator is correct, that not everything that takes place in Indonesia is encouraging. They do not have freedom of the press in Indonesia as we know it, and indeed there has been some arrests, a crackdown on some press who have been particularly critical of the government. No doubt about that.

A lot of our friends around the world have adopted policies that are not consistent, do not comport with our Bill of Rights Government, and I think we should not retreat from doing what we can to be effective in trying to propagate democracy and freedom of speech, freedom of religion, et cetera, around the world.

My problem is that to put a ban on foreign military sales and to do so without having it a considered judgment of foreign policy of the United States with one of our best traditional friends, with one of the largest countries in the world, just to do it haphazardly I think is an awful way to make foreign policy.

We had debate earlier about whether the Congress should make it or whatever. It seems to me that the President and the State Department ought to be the ones to at least initiate and should not be bi-players, should not be wringing their hands on the sidelines while we make foreign policy in the Senate.

A good indication of the kind of foreign policy we made was a couple of weeks ago when we adopted two sense-of-the-Senate amendments on Bosnia about lifting the embargo. One said by a 50-to-49 vote we should not lift the embargo unless the United Nations says so, and the other one said we ought to lift the embargo with or without the United States—both resolutions adopted 50 to 49.

I just do not think we ought to make foreign policy in this way. I would also say that if we are going to take sanctions against every country in the world that is criticized by Amnesty International or somebody else, the list of our friends will be short indeed—short indeed. In fact, the United States itself has been criticized by Amnesty International on the death penalty and other things.

Having said that, I would say I share the Senator's concern about some of the policies in Indonesia, although I think that Indonesia has made huge steps forward in human rights, in labor relations, and I think the State Department would tell us that if they would tell us something.

Mr. SIMON. I simply say to my colleague from Louisiana that I agree we cannot expect carbon copies of the United States around the world. I think we have to be careful in micromanaging foreign policy in this Chamber. I think that is one of the dangers; when people sense a little bit of a vacuum in the executive branch, that we move in and move in sometimes when we should not.

I hope before the Senator would maybe offer an amendment that he might discuss this with our colleague, Senator FEINGOLD, who has spent a considerable amount of time in this area, who knows much more about it, frankly, than I do.

Mr. JOHNSTON. It was offensive I think, or counterproductive to have a ban on the IMF funds, the military training funds because the military training funds keep the kind of incident in East Timor from occurring by having better trained people.

The House had the ban on the IMF funds but for that we substituted something worse, which is the FMS ban. And one of the things that is so offensive to the Indonesians is that in mentioning East Timor it suggests that we do not recognize East Timor as a part of Indonesia, that somehow we are tipping our hat or genuflecting in the direction of those who say East Timor ought to be an independent state. There are some people who legitimately and sincerely believe that.

To say that as part of a law adopted by this Senate is a very serious charge. It is as if the British Parliament adopted a resolution that said Puerto Rico should not be part of the United States. And we have been criticized by the United Nations for that.

So I just say that this is a bad way to make foreign policy. I think it is a big mistake, and I hope the conferees will look at this when they get in the conference committee.

Mr. President, I would like to take this opportunity to say a few words about two other issues which are funded by the Foreign Operations Appropriation bill. Earlier this year, I led a CODEL to the Far East. Several of my colleagues and I visited numerous Asian nations, including Thailand and China, and I would like to speak about some issues relating to those two nations at this time.

As many of you know, in 1988, the legitimately elected government of Burma was blocked from assuming office by the military and leaders having been illegally detained. Since that time, in accordance with United States policy, our Government has denied Burma all foreign assistance with the exception of basic humanitarian assistance; the United States has had no bilateral assistance program for nonhumanitarian aid with Burma since 1988.

Unfortunately, this well-intentioned policy of our Government resulted in the termination of a Drug Enforcement Administration bilateral counternarcotics assistance program with Burma, which sprayed pesticides on poppies in Burma. As you know, opium and heroin are derived from the poppy plant, which grows prolificly in Burma. The abundance of poppies has created a profitable underground drug processing industry in Burma, and when it comes to the world's supply of illegal drugs, it can be said that "all roads lead to Burma." The DEA reports that Burma is the source of more than 70 percent of all heroin in the United States. Think about that—almost three-quarters of all heroin traded on American streets can be traced back to the poppy fields in Burma.

The heroin trade is a lucrative one both in Burma and in America; and heroin, whose use had been declining in this country, is increasingly becoming the drug of choice for many drug abusers in the United States. The reemergence of a market for heroin can be linked to the fact that a single kilo, or 2.2 pounds, of heroin can net $1 million in revenue.

Production of heroin in Burma has only increased since termination of the DEA program there. It is estimated that about 2500 metric tons of opium were produced last year in Burma, yielding slightly less than 200 million tons of heroin.

Ending the DEA counternarcotics program in Burma harms the United States more than it does the Burmese. It is American children who are purchasing Burmese heroin and American drug dealers who are getting rich off this fatal export from Burma. While present United States policy harms us, it strengthens the power of drug lords and helps entrench their position in Burmese society.

The United States has received a great deal of cooperation in the area of drug interdiction from Burma's neighbor, Thailand, and for that we should be most appreciative. However, it is impossible to stem the flow of heroin from Burma into America's streets without reducing the source. The source of that heroin is Burmese poppies, and to reduce that source we need the DEA's counternarcotics assistance program. I have a letter from the Drug Enforcement Administration giving their evaluation of current U.S. antidrug policy in Burma and would like to ask that it be inserted into the appropriate place in the RECORD.

Mr. President, I am not offering an amendment on this issue, and I do not in any way support the reestablishment of relations with Burma until a legitimate democratic government is installed there. However, the bill now under consideration appropriates $100 million to antinarcotic initiatives, with not one dollar of that money going to the largest source of narcotics. This policy just does not make sense. I believe the State Department should reconsider its definition of nonhumanitarian aid to evaluate whether the DEA's counternarcotics program should perhaps be reinstated. I believe the present U.S. policy in this regard is foolish and that, to restate a common expression, we are only shooting ourselves up the arm by allowing the world's largest exporter of heroin to continue to grow poppies at will.

The second issue I wish to discuss is that of fossil fuel use in the world's most populous state, the People's Republic of China. The magnitude of this problem was discussed in a hearing I chaired for the Energy and Natural Resources Committee in March. Since 1989, several bilateral aid programs have been prohibited from operating in China, first by administrative action and later by statute (Public Law 101–246), in an attempt to place pressure on central authorities to respect internationally recognized human rights. Restricted programs include sanctions against bilateral aid for environmental programs in China.

In addition to being the world's most populated nation, China is also the world's largest source of fossil fuel emissions. Unfortunately, air pollution does not recognize international boundaries, and what China's factories spew into the atmosphere eventually affects the air that we all breathe. This problem will only get worse in the future, as China's rapid economic expansion is expected to result in a doubling or tripling of industrial emissions that contribute to global climate change. This dramatic increase more than offsets reductions in air pollution anticipated by the United States. The United States can never reach its worldwide environmental goals unless we assist China with an aggressive pollution control and prevention program.

I have a letter that I sent to President Clinton in February, after I returned from the CODEL to China, and would like to ask that it be included in the RECORD. It explains in great detail why the United States should encourage, rather than discourage, our companies to share their environmental technology with China. I would like to share with you just a few of the statistics from that letter. The World Bank reports that Asia's contribution of greenhouse gases to the environment will increase from approximately 20 percent in 1985 to almost 30 percent by the year 2000. Half of all sulfur dioxide emissions by the year 2000 will originate in China, which relies on fossil fuels for domestic cooking, heating, and power generation.

Current United States policy of linking the human rights issue in China to trade and environmental issues contributes to global economic problems, hurting America's economic interests and undermining the well being of Chinese citizens. American companies should be allowed to compete for trade opportunities and help China mitigate its environmental problems, but are frustrated by U.S. trade policies. Restrictions on programs such as the U.S. Agency for International Development [USAID], Overseas Private Investment Corporation [OPIC], the Trade and Development Association [TDA], and the Export-Import Bank prevent U.S. Companies from investing in China and helping to improve their environmental technology. By decreasing trade restrictions on American corporations in China, we can have a lasting impact on the global environment, reducing acid rain and protecting the ozone layer.

The Foreign Operations Appropriations bill recommends the allocation of $55 million to combat the effects of global warming; however, allowing United States companies to share their clean air technologies with China could augment this investment considerably.

Not only are United States companies hurting because of current administration policy, but the Chinese people are suffering as well. Lung cancer associated with industrial air pollutants is now the leading cause of death in China. We can prevent the pain and suffering of millions of Chinese afflicted with pollution-induced lung cancer by providing incentives for our corporations to share their knowledge and expertise with Chinese factories and allowing them to compete on a level playing field. The primary fuel in China is coal, and it is burned inefficiently and without pollution controls. The resulting damage affects crops, buildings, and human health.

I am not going to offer an amendment to change United States policy toward China in this regard; however, I would again urge the State Department to reconsider their position on this issue and to consider the environmental consequences of China's rapid growth as a separate focus from other aspects of United States-China relations. It is my hope that we can find a way to address this problem that has such a major global environmental impact by developing a coordinated international environmental policy. Restoring USAID, OPIC, and TDA programs and involving the private sector in this area would be a positive step in developing a constructive relationship with China on an issue of global importance, and an issue which must be addressed to improve the health and safety of the Chinese people.

Mr. SIMON. Mr. President, I note the majority leader standing. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I am advised that our colleagues now will permit a vote to occur, and therefore I ask that the Chair put the question.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2118 offered by the majority leader.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Michigan [Mr. RIEGLE] is necessarily absent.

I also announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

Mr. SIMPSON. I announce the Senator from Mississippi [Mr. COCHRAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—93

Akaka	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Glenn	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Bond	Gramm	Moseley-Braun
Boren	Grassley	Moynihan
Boxer	Gregg	Murkowski
Bradley	Harkin	Murray
Breaux	Hatch	Nickles
Brown	Heflin	Nunn
Bumpers	Helms	Packwood
Burns	Hollings	Pell
Campbell	Hutchison	Pressler
Chafee	Inouye	Pryor
Coats	Jeffords	Reid
Cohen	Johnston	Robb
Conrad	Kassebaum	Rockefeller
Coverdell	Kempthorne	Roth
Craig	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kerry	Shelby
Daschle	Kohl	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Smith
Dole	Levin	Specter
Domenici	Lieberman	Stevens
Dorgan	Lott	Thurmond
Durenberger	Lugar	Warner
Exon	Mack	Wellstone
Feingold	Mathews	Wofford

NAYS—4

Byrd	Hatfield
Faircloth	Wallop

NOT VOTING—3

Bryan	Cochran	Riegle

So the amendment (No. 2118) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OVERHAUL THE FOREIGN AID JALOPY

Mr. BYRD. Mr. President, the time is long overdue for a major overhaul of the foreign aid jalopy. This bill, the annual foreign aid bill, is a bill similar to dozens which have come before this body in previous years, and is, once again, to a large extent a product of old thinking. It represents holdover philosophy from the cold war, and responds to political problems and priorities which are outdated and gathering mold.

In saying this, I certainly do not fault the chairman of the subcommittee, the able Senator from the State of Vermont, Mr. LEAHY, who has done his best given the budget request submitted by the President and the constraints of the budget. I commend him for his frugality, and note that the bill is below last year's appropriated amount by about $700 million and below the President's request for fiscal year 1995 by $340.3 million.

Nor do I fault the ranking manager of the bill, the able junior Senator from Kentucky [Mr. MCCONNELL]. This is a thankless task. Other than the appropriations subcommittee on the District of Columbia—which I chaired for 7 long years, just as Jacob worked for Rachel 7 years and then had Leah palmed off on him by Rachel's father—and perhaps the Legislative Appropriations Subcommittee, I do not know of any subcommittee that constitutes a more thankless job than the Foreign Relations Subcommittee. But somebody has to do the work. It is an important job. It is an important assignment and somebody has to do the work. It does not reward one with very good headlines back home.

The Administration has promised major foreign aid reform in light of the end of the cold war and in response to new priorities. While the Administration did submit a foreign aid reform bill, as is pointed out in the report accompanying this measure, it "falls far short of the reforms that are needed." Thus, foreign aid reform on a magnitude to reflect changed realities has not been executed and is, therefore, not reflected in this measure. I suggest that if further initiatives are not taken by the Administration in preparation for the fiscal year 1996 bill next year, that the subcommittee, working with the House Appropriations Subcommittee, and with the legislative committee—Foreign Relations Committee of the Senate, Foreign Affairs Committee of the House—take the bull by the horns themselves and put into place a far-reaching program of reform befitting the new era which our economy and the world reflect. In the absence of this, I cannot support the bill as it has been presented do the Senate, nor could I support similar legislation in the future.

Our major emphasis under a reformed foreign assistance measure should be to enhance American competitiveness abroad. Many of my colleagues and I have attempted to shift the direction of foreign aid to help our ability to export more American products abroad, to create new markets for our goods and services, and fashion our foreign aid programs so as to promote U.S. economic goals—much in the way our major international economic competitors, particularly Japan and the aggressive economies of the Far East, and the countries of the European Economic Community have done. In my view, a more tightly woven connection between our economic health and strength with our foreign assistance programs is still sorely needed.

Second, there is entirely too much arms giving and arms sales promotion in our foreign aid program. Much of this was in vogue during the Cold War, and no one has yet to seriously question whether we are fueling regional tensions and conflicts by selling American arms. The grant program alone this year consumes nearly 25 percent of the whole bill, over $3.1 billion.

An American arming the world in the guise of foreign assistance does an increasing disservice regarding the real and urgent needs of the emerging nations in the third world and the nations of the defunct Soviet bloc and its proxies. The committee report states that "regrettably, the evidence clearly indicates that the administration has sought to promote arms sales, rather than to reduce them. The committee deplores "the administration's apparent lack of interest in doing anything significant about the problem * * * of excessive levels of military spending by developing countries." So, Mr. President, we are concerned, on the one hand, about stopping the spread of weapons of mass destruction, including not only nuclear, but also chemical and biological weapons, and we have invented a new term to stop the spread and use of these weapons called "counterproliferation." On the other hand, we are still peddling weapons and components, a practice that speaks loudly of our inconsistency on the matter.

The distinguished Senator from New Jersey, Mr. LAUTENBERG, suggested on this floor earlier in the debate that foreign countries which do not cooperate with our efforts to reduce illegal immigration, and which will not agree to accept their nationals who are illegal aliens here in the United States, and are incarcerated felons, should not be recipients of foreign aid. That is a very worthwhile goal, and an idea that should be seriously explored. Other ties to foreign aid which reflect U.S. concerns and interests should be allowed a forum in coming years.

I do not intend to engage in an extensive dissection of the details of the Administration's foreign aid program on this floor today. But it is high time we get this antique car off the road and into either the overhaul shop or the junkyard. The point is that our foreign aid program should cease being mainly a one-way transfer of resources, but should be used as a lever to accomplish our Nation's priorities not only in the economic area, but in terms as well of promoting our goals in other priority areas such as immigration reform, and benefits to U.S. business. It should be a clear carrot for nations that play ball with us, and a stick for those that do not.

As I have said before, our foreign aid budget is not an entitlement program.

Mr. President, we have not been hard-headed nor tight-fisted enough in focusing our attention more directly on our Nation's best interest when it comes to foreign aid. Until we do a better job, I cannot vote for these examples of wrong-headed American generosity.

After all, it is our money, the taxpayers' money, that is being squandered if we fail to vigorously promote our own national interests. As with Timon of Athens:

When Fortune in her shift and change of mood
Spurns down her late beloved, all his dependents

Which labour'd after him to the mountain's top
Even on their knees and hands, let him slip down,
Not one accompanying his declining foot.

Mr. President, I yield the floor.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk on behalf of myself, Mr. MCCONNELL, Mr. NUNN, Mr. INOUYE, Mr. HOLLINGS and Mr. HEFLIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair advises the Senator that there are pending committee amendments.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to temporarily lay the amendments aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, does that mean that the Johnston amendment is now the pending question?

The PRESIDING OFFICER. The Senator from Louisiana intends to lay the committee amendment aside?

Mr. JOHNSTON. Mr. President, if I may inquire of the floor manager, I would like to bring this up at a time convenient with both floor managers, and I understand the Dole amendment had been scheduled and I thought this was an appropriate time.

Mr. LEAHY. Mr. President, the Johnston amendment, which he has introduced, is now pending. I certainly do not want to cut him off or the Senator from Kentucky—if we could have order, Mr. President—because I think for some of those who may be planning to leave this may be of importance to them, because I suspect we are going to vote on this.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator is right. If we could have order in the Chamber. Please cease conversations.

Mr. LEAHY. Mr. President, so people will understand, I do not want to cut off any amount of time for the Senator from Louisiana or the Senator from Kentucky to speak on the amendment of the Senator from Louisiana, but at some appropriate time they will get a chance to say what they want. I will go to a few items, and I will then move to table, asking for the yeas and nays.

I mention that because it would then require a vote. I will either win or lose, either way. If I lose the motion to table, of course, I will not ask for a second rollcall on the amendment, naturally.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. LEAHY. Of course.

Mr. MCCONNELL. I just would like to say to my friend from Louisiana that I am supporting the amendment along with him, but I myself understood that we were going to go with it right now. I was hoping we might be able to lay that aside and move to the Bosnia amendment. I wonder if there is any chance of that from the Senator from Louisiana.

UNANIMOUS CONSENT AGREEMENT

Mr. JOHNSTON. Of course, I would be willing to enter into a unanimous consent agreement to have a short time limit for anybody who would like a time limit tomorrow or tonight.

Mr. LEAHY. Later tonight.

Mr. JOHNSTON. Or when anybody would like. I certainly will go along with the floor managers, whatever they wish.

Mr. LEAHY. Mr. President, I do not want to delay. There is nobody more willing to enter into a short time agreement than I. I have demonstrated that time and time again. I am happy to enter into whatever time agreement the proponent of the amendment feels protects his interest. I would want 10 or 15 minutes on my own at the most to state my point, but I would want to vote on this tonight.

We spent a lot of time in quorum calls and a lot of time talking about issues that were voted on a lopsided vote. We have had four votes. We have been on this bill for about 12 hours now. None of these votes were close votes. A number of them were items that we have already debated at length at other times.

And I told my colleagues that I have canceled plans to fly anywhere on Saturday, but I do not want to cancel plans to fly on Sunday, too.

I would like to get this bill done. So I would be very reluctant to agree to anything that would not allow us to vote, and I know the Senator from Louisiana would want a rollcall on this to vote on his matter tonight.

If we want to set it aside and do other things and come back to it, if that kind of agreement were entered into and vote on it, I do not know, midnight, 1 o'clock, whatever, so we can keep this bill moving.

Mr. JOHNSTON. What is the desire? Would it be agreeable, Mr. President, if I may ask the managers, if we had a 30-minute time limit equally divided on our amendment?

Mr. MCCONNELL. To be taken up subsequent to the Dole amendment?

Mr. DOLE. Right now.

Mr. MCCONNELL. Now, fine.

Mr. JOHNSTON. All right.

Then, Mr. President, if there is no objection, I ask unanimous consent that on the Johnston-McConnell-Nunn amendment there be a 30-minute time agreement equally divided with no second-degree amendment in order, the time to be under my control and that of the distinguished floor manager.

Mr. LEAHY. I do not believe a second-degree amendment would be in order anyway because of the parliamentary situation, and the Senator does not preclude motions to table?

Mr. JOHNSTON. No.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am advised that the proper way to get to this amendment, since we have not reached this committee amendment in proper form now is by unanimous consent. I guess my unanimous consent might have covered the amendment in order to move to strike at this time in accordance with the amendment at the desk, and I ask the Chair if that is the correct parliamentary situation.

The PRESIDING OFFICER. The Senator has a right to make that request.

Mr. LEAHY. Mr. President, reserving the right to object, this gets a little bit confusing. I realize we can do anything by unanimous consent. But is the Senator saying he wishes to move to amend an amendment that is not before us because it has not yet been adopted? Would it not be better to adopt the amendment that he wishes to amend?

Mr. JOHNSTON. Mr. President, if the Senator will yield, I am advised that the proper motion would be a motion to table the committee amendment which is contained on page 34, line 15, beginning with the word "provided" and ending with the word "Timor" on line 25.

I ask unanimous consent that there be a 30-minute time agreement on the motion to table that amendment and that it be in order to consider it at this time.

Mr. LEAHY. Mr. President, reserving the right to object, that amendment has not been adopted. I make a parliamentary inquiry.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Can the Senator from Louisiana—and I want to help him find a way to do this—move to strike an amendment which has not yet been adopted?

Mr. JOHNSTON. The Chair just advised me that the proper motion is the motion to table since it has not been adopted, and I have asked unanimous consent so to do with a 30-minute time agreement.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I do not mean to be difficult. But would the Senator tell me which lines he is talking about?

Mr. JOHNSTON. It is on page 34, beginning with line 15 beginning with the word "provided" and ending on line 25, page 34 with the word "Timor."

Mr. LEAHY. So he would take out the money for the demining activities? That has nothing to do with Timor. It is talking about demining in Cambodia, Afghanistan, Africa, and everywhere else.

Might the Senator want to start down on line 19?

Mr. JOHNSTON. Let me correct that motion, Mr. President. It is page 34, line 19, beginning with the word "provided" and ending on line 25 with the word "East Timor." I think my written amendment so states.

Mr. LEAHY. Mr. President, I will not object provided I have the right to offer a perfecting amendment on line 21 between the words "any" and "equipment" to be able to offer the amendment to say "lethal."

Mr. JOHNSTON. Mr. President, the Senator can do so by unanimous consent, as far as I am concerned.

If the matter is tabled, then there will be nothing to put "lethal" between. If it is not tabled, then you can announce to Senators that it is your intention, and I would have no objection.

Mr. LEAHY. If the amendment of the Senator from Louisiana is tabled, the motion to strike, we are back to "provided further, that any agreement for the sale," and so on. We would be back to the legislation, is that not correct?

Mr. JOHNSTON. If my motion to table is granted, then that matter will be stricken and there will be no language in which to insert the word "lethal."

Mr. LEAHY. Parliamentary inquiry, Mr. President. Would it be in order at the appropriate time to move to table the motion to table of the Senator from Louisiana?

The PRESIDING OFFICER. It would be incorrect. A motion to table cannot follow a previous motion to table.

Mr. JOHNSTON. What is the parliamentary situation, Mr. President?

The PRESIDING OFFICER. The Senator from Louisiana has made a unanimous consent request. Is there objection?

Mr. LEAHY. Reserving the right to object.

Would the Senator from Louisiana permit me, by unanimous consent, to amend the provision on line 21 with the word "lethal" ahead of the word "equipment"?

Mr. JOHNSTON. Mr. President, I would restate my unanimous consent request.

I ask unanimous-consent that it be in order to move to table the language on page 34, line 19, beginning with the word "provided" and ending with line 25 with the words "East Timor"; and further request that the amendment to be stricken be modified by adding the word "lethal" in front of the word "equipment" on line 21.

Mr. LEAHY. And would you further modify that that at the expiration of 30 minutes we would vote on or in relation to your motion?

Mr. JOHNSTON. Yes; it is a motion to table.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The committee amendment is so modified.

The modification reads as follows:

The committee amendment on page 34, beginning with "Provided" on line 19, is modified by inserting "lethal" before the word "equipment" on line 21.

Mr. JOHNSTON. And we now have a time agreement of 30 minutes?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield myself 5 minutes.

Mr. President, since I made my statement on this matter, I am advised that the State Department has, in fact, as of 7:35 p.m. tonight, taken a position on this provision and that they do find this provision unnecessary and inconsistent with our policy.

If I may now read the letter from Warren Christopher. It is a letter to Mr. LEAHY. It reads as follows:

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993-94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross [ICRC] is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in Bast Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

Mr. President, in fairness to the chairman, neither of these letters, either from the Deputy Secretary of Defense or from the Secretary of State, were available to any of us on the Foreign Operations subcommittee at the time this amendment was adopted.

I hope, therefore, that this language could be stricken, keeping in mind that the matter will be in conference as regards IMET.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. I yield the Senator 5 minutes.

Mr. McCONNELL. Mr. President, I ask unanimous consent Senator DOLE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I rise in support of the amendment by the Senator from Louisiana. Indonesia is a large, thriving market. In fact, it has been identified as one of the prime trade investment opportunities for U.S. companies. The language in the bill is sufficiently vague to cause both the United States and the Indonesian Government a considerable concern.

The language asks that we reach an agreement with Indonesia that equipment we sell may not be used in East Timor.

Frankly, I do not see how we could possibly monitor that. If we sell equipment to Indonesia to use with their armed forces, we do not sell it to a particular place in Indonesia. What happens, for example, if a unit is using United States equipment in one part of Indonesia and gets transferred to East

Timor? There is no practical way to endorse this particular provision.

In effect, our inability to monitor the terms of any understanding could turn it into an embargo of all sales. I repeat, it could turn it into an embargo of all sales, and that is certainly not in our best interests.

This would be a serious mistake. Indonesia has been a valuable ally in regional politics and has provided support to our naval forces in the region over the years. The effect of the amendment would be damaging to our trade, political and security relationship with a country of over 190 million people. I think we can press the human rights case in a constructive fashion without damaging this important relationship.

So I commend the Senator from Louisiana for this proposal. We have been working with him to try to minimize the restrictions on Indonesia in this bill. We obviously did not get quite far enough to satisfy the Senator from Louisiana. I think his concerns are valid. I support them, and I hope the Senate will approve the Johnston amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, basically my good friends from Louisiana and Kentucky are saying we should have no restrictions or no say at all on what the equipment we send to Indonesia is used for. I am not sure if there are other countries that we are willing to give that kind of carte blanche to. I know of none in this bill that we give that to. I know of no countries where we give them such an open-ended use of our equipment.

It is not a case where we have ignored Indonesia. We have given them $4 billion of taxpayer-paid-for economic and military aid over the past 30 years—$4 billion. We are going to give Indonesia another $60 million in aid next year. We have not turned our back on them.

In the committee amendments we have removed the prohibitions on IMET placed in by the other body. We have tried to do things to show Indonesia our continuing support. After all, $4 billion, and $60 million next year, is more than just a valentine card.

The Indonesian army occupied East Timor over 20 years ago. Since 1976 we passed half a dozen nonbinding resolutions in this Congress. Most of the Members of this body voted on them—asking them to stop abusing the rights of the people of East Timor.

Three years ago—one of the things that really brought this to a head—Indonesian soldiers fired on peaceful demonstrators in East Timor. They killed between 200 and 300 people. At first they said only 19 people died but then, when the truth came out, they said we have to do something about it. And what did they do? They arrested some of the demonstrators, sentenced some of them up to life imprisonment, and the soldiers went to jail for a few months. Even that would not have happened if the press had not become aware of what happened. Even the officers in charge were never charged with a crime. People are still not accounted for.

We cut off military assistance for 2 years and then we ended up selling it to the Indonesians anyway. We deleted the House language cutting off sale of military training. I moved to delete the ban on military training assistance. I believe the ban outlived its usefulness and I moved to make sure that could still go to Indonesia. But having given them $60 million in aid, having lifted the bans on training and assistance, let us not totally turn our backs on the people of East Timor and say the resolutions we passed time and time again in the Senate were merely that. We never meant it.

We have even amended this provision so it covers only lethal equipment.

Could we, insofar as we are using America's taxpayers' money, just have a little teensy-weensy bit of control? Even a little teensy-weensy bit of American taxpayers' say of where this money is going to be used? Even a little itsy-bitsy bit of say when we tap the pockets of Americans for $60 billion more to say what it is going to be used for?

There are 8,000 Indonesian troops in East Timor. We do not affect the $28 million sales of commercial equipment to Indonesia in 1995. That goes forward. But we can say when we are sending $60 million of your tax dollars, my tax dollars, everybody else's tax dollars to Indonesia, we also support people who were persecuted for peacefully expressing their human rights, even if they happen to live halfway around the world and we do not see them daily.

I agree Indonesia is an important country. I joined with the Senator from Louisiana in making that statement, as he knows, on a number of occasions. But that is why we provide this money. That is why I deleted the prohibition of IMET training. That is why I supported $60 million to them.

But I have to tell you, this is one Vermonter who does not like to give out a blank check of the taxpayers' money, and I say this action of the Senators from Louisiana and Kentucky would do that, as we put on no controls whatsoever.

Mr. President, I ask unanimous consent that an article by Philip Shenon in the New York Times on June 29, 1994, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDONESIA MOVES TO STIFLE CRITICISM, BOTH AT HOME AND ABROAD

(By Philip Shenon)

SINGAPORE, June 27.—The Indonesian Government, which bans most public debate among its own people over the disputed territory of East Timor, is pressing its smaller Asian neighbors to keep quiet, too.

Last month the Philippines gave in to threats from Indonesia and barred foreign visitors, including Danielle Mitterrand, the wife of the French President, from attending a conference in Manila on human rights abuses in East Timor, a former Portuguese colony that was invaded and annexed by Indonesia in 1976.

Now the Indonesians have turned their diplomatic guns on Malaysia, warning that ties between the two countries could be damaged by a planned East Timor forum to be held this year in Kuala Lumpur, the Malaysian capital.

Brig. Gen. Syarwan Hamid, a spokesman for the Indonesian military, was quoted by the Indonesian press agency as saying the Malaysia conference "is clearly not an ordinary meeting" because some of the participants "wish to tarnish the image of the Indonesian Government and the military." A spokesman for President Suharto's Government said the conference could "upset the solidarity and good relations" between Indonesia and Malaysia.

So far the Malaysian Government has responded to the Indonesian protests by pleading ignorance. Government spokesmen in Kuala Lumpur say they have no information about the East Timor conference, which is being organized by Malaysian public interest and religious groups. The date of the conference has not been announced.

Diplomats in Kuala Lumpur say that if the Indonesian protests continue, Malaysia will almost certainly heed the warnings from its neighbor and cancel the conference. With more than 190 million people spread across the world's largest archipelago, Indonesia dwarfs surrounding nations.

International attention to human rights abuses in East Timor, where as many as 200,000 people have died since the Indonesian invasion, has hindered plans by the Suharto Government to secure a far greater role for Indonesia on the world stage.

In recent months the Government has ushered groups of foreign journalists and United Nations officials into East Timor in hopes of proving that the situation is better than is usually reported.

The decision last month by President Fidel V. Ramos of the Philippines to appease Indonesia by barring dozens of foreigners from taking part in the five-day Manila conference created a furor in the Philippines, which otherwise promotes itself as a bastion of democracy and free speech in Southeast Asia.

Mr. Ramos described the forum as "inimical to the national interest" and conceded that he had given in to the Suharto Government because of concerns that the conference could affect Indonesian investment in the Philippines. Despite the ban, many foreigners managed to attend on tourist visas. Mrs. Mitterrand, president of a French human rights group, stayed home, telling reporters in Paris that Indonesia had applied "tyrannical pressure on us and on the Philippine Government to keep me from going to that meeting."

As it tries to stifle foreign criticism about East Timor, the Indonesian Government continues to deal harshly with its critics at home, as was clear again on Monday as police officers in Jakarta, the Indonesian capital, used rattan sticks to break up a street

protest over a Government ban on three of the country's most influential magazines.

Witnesses said dozens of people had been detained as they joined a crowd of about 150 people marching on the offices of the Information Ministry, which issued the order last week to shut down the magazines, including Tempo, a national newsweekly.

Diplomats and human rights groups said the three magazines had been banned because of their reporting on corruption in President Suharto's Cabinet.

Mr. LEAHY. I see the Senator from Wisconsin on the floor. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes 40 seconds.

Mr. LEAHY. How much time would the Senator from Wisconsin like?

Mr. FEINGOLD. May I have 5 minutes?

Mr. LEAHY. I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. I thank the Senator from Vermont.

Mr. President, this is a heck of a time to be giving a seal of approval to the conduct of the Indonesian Government with regard to human rights and, in particular, treatment of East Timor. The Congress suspended IMET to Indonesia in response to a brutal massacre by the Indonesia forces against peaceful demonstrators in 1991, and the Indonesians have shown really very little remorse since then. Last year the Senate Foreign Relations Committee adopted an amendment to the foreign assistance bill that would require the administration to consult with Congress on human rights before approving the sale or transfer of arms under the Arms Export Control Act.

Among those conditions the Indonesian Government has significantly failed to respond. There are six areas. To the first three, there has been no response. One of the conditions was whether the civilians convicted in connection with the November 1991 East Timor incident have been treated in accordance with international standards of fairness, including whether the Indonesian Government has reviewed the sentences of these individuals for the purpose of their commutation, reduction or remission. No response from the Indonesian Government on this item.

A second item, whether the Indonesian Government is taking steps to curb human rights violations by its security forces, including all military personnel who were responsible for ordering, authorizing or initiating the use of lethal force against demonstrators in East Timor in 1991 are being brought to justice. No response from the Indonesian Government.

Finally, whether there has been a full public accounting of the individuals missing after the November 1991 incident. No response.

That was the position which the administration agreed to, and the administration now certainly does not believe we should give a blank check to Indonesia.

The administration has adopted a ban on light arms sales to Indonesia after a thorough review of policy which concluded that Indonesia is an important ally but, at the same time, the administration wanted to send a strong message that Indonesia has not done enough.

So this is the worst possible approach we can take to simply strike the language in the bill. I cannot think of a worse time. In this very week, the Indonesians have cracked down on press freedoms by revoking the licenses of three major journals for "sowing discontent." This is the kind of conduct we are going to reward on this night after that conduct in Indonesia this week. I think that is very troubling.

Fifty people who were peacefully protesting the restriction were beaten by Indonesian security forces this past week, and this comes, Mr. President, on the heels of bullying tactics by the Indonesian Government against the Philippines just recently for holding a conference of foreigners who are going to simply talk about what was going on in East Timor. I understand that they are also now trying to keep the Malaysians from holding a similar conference as well.

Of course, the Indonesians are our allies, and I hope their country is trying to make progress in this regard and we want to have a strong friendship. But the conduct of just these past couple of weeks indicate just the opposite.

I think it would be a very serious mistake for us to remove a provision that says American arms should not be used to kill and torture the people of East Timor. And I ask the Senate to oppose this effort to table the committee language because it could not come at a more inappropriate time with regard to the human rights of the people of this world and, in particular, the human rights of the people of Indonesia and the people of East Timor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I promised to yield 2 minutes to the chairman of the Foreign Relations Committee.

Mr. WELLSTONE. I ask the distinguished chairman for 2 minutes.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes and 15 seconds available.

Mr. LEAHY. I yield 2 minutes to the Senator from Rhode Island, and then I will yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. PELL. Mr. President, I thank my friend and colleague from Vermont.

I wish to state general and specific reasons why the position regarding East Timor, in my view, of the Senator from Vermont is correct, and, thus, that the language in the bill, as reported by the committee, is correct.

I think we all agree that there should be some control of weapons, whether they are lethal or nonlethal, when they are turned over to other countries. We used this argument when the Turks took American weapons and misused them in the occupation of Cypress. The argument that the United States should exercise some control over its military assistance and sales to foreign countries is widely accepted.

In addition, there is the argument of human rights. It is generally recognized that Indonesia is a little slow in its march down the road toward human rights, although more and more countries throughout the world and particularly in the Far East are improving the human rights conditions of its citizens.

From a specific viewpoint, I cannot help but recall a couple of years ago when I was in Indonesia, I asked President Soeharto if I could go to East Timor. He told me emphatically, "No, that it might have an unsettling effect." He was afraid at that time that a visit by this U.S. Senator would draw too much attention to the plight of the East Timorese people.

As Senator LEAHY mentioned, I too was deeply distressed by the treatment accorded the shooters and the shootees at a riot in Dili, East Timor, in 1991 when the Indonesian military fired upon a group of peaceful demonstrators. The punishment meted out to the ones who murdered or shot the shooters was far less than the punishment handed out to the shootees, the people shot at. Clearly, Indonesian security forces continue to repress the East Timorese.

I urge my colleagues to support the committee language as written.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, one thing, this does not affect licenses of commercial sales, which is the overwhelming majority of our military sales, and having given billions of dollars to Indonesia, another $60 million, the language sought to be stricken is simply any agreement for the sale or provision of any lethal equipment on the United States munitions list to Indonesia that is entered into by the United States during fiscal year 1995 to expressly state the understanding the equipment may not be used in East Timor.

It does not affect commercial sales, which is the overwhelming majority of military sales. It is a tiny, itsy-bitsy restraint on the money we are going to give them.

I yield, first, 1 minute to Senator HARKIN and 1 minute to Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. Mr. President, I just learned of this amendment, and I noticed there was a time limit on it. I wish there was not. Had I been here, I would have objected to a time limit on this amendment.

I kept hearing all this talk on my monitor before I left to come over here that somehow because Indonesia is big and powerful and they are a market and that somehow we have to excuse their conduct in East Timor.

Look at the history. In 1975 with the use of United States arms, which we prohibited in a treaty with Indonesia in 1958, they invaded tiny East Timor, killed 200,000 people, one-third of their population and have kept them in severe repression ever since.

And now we are going to let them walk and say, "Oh, that's just fine."

It has been condemned by the United Nations and by about every human rights organization around the world. The East Timorese have pleaded with us year after year to help them out. Just last week, the Indonesian Government banned three of the top newspapers in East Timor. They will not let them publish. Three of their top newspapers they just shut down so they could not publish anymore.

Is this the kind of activity that we want to reward? They broke the treaty we had with them dating back to 1958 in using our arms to invade East Timor. I agree with the distinguished chairman we ought to have at least some control.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WELLSTONE. Mr. President, I ask that my minute be given to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for the remaining minute.

Mr. HARKIN. Mr. President, the East Timorese over the years, the Catholic population there have pleaded with us to help them out, to take their cause to the world community. Just because they are small and because they are defenseless means that we have to put up with what the Indonesians have done to them? I do not think so.

We have not banned all aid to Indonesia. We have not stopped trade with them. But at least I think we ought to do what the chairman has said, to hold them to some small standard.

The implication I think given earlier that I heard on my monitor that somehow the State Department is against all forms of control on the military equipment that we give them is wrong. They may be opposed to this amendment, or they may be opposed to one provision in the bill, but the implication that they are opposed to any restrictions at all is wrong and the amendment offered by the Senator from Louisiana strips all controls—everything—strips everything off.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. HARKIN. I will if I have made a mistake.

The PRESIDING OFFICER. The Senator's time has expired. Six minutes remain for the proponents of the amendment.

Mr. JOHNSTON. Mr. President, I yield myself 30 seconds simply to say that my amendment strips only that part of the bill to which the State Department and the Department of Defense both object.

Mr. President, I yield 3 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I am aware of the time limitation. I just want the Senate to be very clear what we are voting on here. This is not a vote about whether or not we are concerned about human rights violations or transgression in the region of East Timor. We are rather voting about whether or not to place an explicit prohibition on the use by the Indonesian Government of any defense items which we send to them in East Timor.

The language in the underlying bill is very troubling. I appreciate that we have been able to successfully work at the committee level to remove the restrictions on IMET, that training which is in the House version. But there is a clear and disturbing indication that results from military sales language in the underlying bill. I think all of us would agree it would be inappropriate for us to restrict how other governments are able to use their defense weaponry to deal with insurgent activity within their borders. Arrogant intrusion.

I agree with Senator JOHNSTON that by drawing the line on East Timor, we are giving a kind of implicit endorsement to the principle that East Timor is not a part of Indonesia.

I fully recognize that many Members of this Senate believe in good conscience that East Timor is not and should not be a part of Indonesia. This is going much further than simply saying, as we should, that basic human rights ought to be respected there.

By including this language, we place the Senate on record on one side of a very fractious debate, and that is on a side in direct opposition to the Indonesian Government. Therefore, I urge my colleagues to be mindful of this while casting their votes.

I further echo the arguments of my colleague, Senator JOHNSTON, in noting that the language in the underlying bill contradicts the evolving administration policy toward Indonesia which is in the direction of more exchange, more involvement and more influence on human rights by the consequence of increased military and trade contacts.

I urge, if you can, go to Indonesia. See the changes made. Hear their leaders. Look at our own history, where in 1860 we had a civil war that makes that one, if it comes about, look like nothing. A country that has 300 languages—not dialects, but languages—and hundreds of ethnic groups. They know what will happen to their country when the breakup takes place. I think it is very important we not judge Indonesia by our own standards and try to let Indonesia judge itself and know that our best influence on their human rights is exchange and openness and trade and communication.

Mr. JOHNSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes 50 seconds remaining.

Mr. JOHNSTON. Mr. President, did the Senator from Kentucky want 1½ minutes?

Mr. McCONNELL. I will just take a minute, I say to my friend.

There is no doubt that there is a human rights problem in East Timor. We are not here arguing about that. But the control the chairman is insisting on will not necessarily achieve the goal of improving that situation, and it may punish American companies seeking contracts and business opportunities.

Like China, I think it is a mistake to try to use commercial levers to fulfill human rights goals. While strict commercial sales are excluded, American defense contractors would be penalized under this proposal.

So I hope that the amendment of the Senator from Louisiana will be approved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Senator from Wyoming stated it properly. There are human rights concerns in Indonesia. By adopting the language that is contained in the bill, we are not endorsing the human rights violations in Indonesia. What we are doing by adopting the Johnston motion to strike is recognizing that the Secretary of State believes there has been a lot of progress in Indonesia, by recognizing that the Department of Defense thinks this is a very unworkable amendment that may restrict the sales of spare parts to C–130's, of which we sell many, many to Indonesia, spare parts to F–16's, spare parts to other things, and thereby render ourselves to be unreliable as the supplier to Indonesia.

Mr. President, the President of the United States is going to Indonesia this fall. This would be a matter of severe embarrassment to him, a major blow in our relationship with Indonesia. I say follow the Secretary of

State, follow the Deputy Secretary of Defense, both of whom say this would be a big mistake and we ought to strike this language.

Mr. President, I ask unanimous consent that the following be added as cosponsors: The Senator from Virginia [Mr. WARNER]; the Senator from Kansas [Mr. DOLE]; the Senator from Virginia [Mr. ROBB]; the Senator from California [Mrs. FEINSTEIN]; the Senator from Wyoming [Mr. SIMPSON]; the Senator from Tennessee [Mr. MATHEWS]; the Senator from Alaska [Mr. STEVENS]; the Senator from South Carolina [Mr. THURMOND]; and the Senator from Florida [Mr. GRAHAM].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise to speak about the pending Johnston amendment to the foreign operations appropriations bill, which strikes language prohibiting the Indonesian Government from using United States military equipment in East Timor. This is a very complex issue that I have reviewed carefully.

On the one hand, there is no question that there are serious and continuing human rights abuses in Indonesia. While we now see the Indonesian Government opening up to visits by the International Committee of the Red Cross and withdrawing troops from East Timor, it has simultaneously moved to crack down on freedom of the press and labor activists.

On the other hand, Indonesia is an important ally of the United States in a strategic location. It is also a large and populous country that provides significant trade and investment opportunities for American companies. The entire Pacific rim is particularly important to California business and industry.

With regard to the Johnston amendment, the pertinent question to ask is whether keeping the language restricting military sales to Indonesia would accomplish the goal of improving human rights in that country and in particular in East Timor. I believe that the answer to that question has to be "no."

There are also logistical concerns about whether it is practical to try to condition military sales on where the equipment will be used.

Secretary of State Christopher has stated that the administration is concerned about human rights in East Timor and will continue to engage the Indonesian Government aggressively on this important issue. I support Secretary Christopher's and the administration's efforts in this regard. In addition, as Secretary Christopher has explained, it is the State Department's current policy to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. This decision was made on the basis of concerns over Indonesia's past record in human rights, especially in East Timor.

With this in mind, I will vote for the Johnston amendment. As a general rule, I believe that trade is a force for economic liberalization and that it leads to democratization. Trade is a tool, but it must not be used as a blunt instrument to cudgel those nations that we wish to influence.

I ask unanimous consent that the letter from Secretary Christopher be printed in the RECORD.

THE SECRETARY OF STATE,
Washington, June 29, 1994.

Hon. PATRICK J. LEAHY,
Committee on Appropriations,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesia officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993–94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross [ICRC] is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in East Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table the committee amendment on page 34, line 19, beginning with the word "provided" through the words "East Timor" on line 25. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alaska [Mr. PRYOR] and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

I also announce that the Senator from Nevada [Mr. BRYAN] is absent because of attending a funeral.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—59

Akaka	Faircloth	Mack
Baucus	Feinstein	Mathews
Bennett	Glenn	McCain
Bond	Gorton	McConnell
Boren	Graham	Mikulski
Breaux	Gramm	Nickles
Brown	Gregg	Nunn
Bumpers	Hatch	Packwood
Burns	Heflin	Pressler
Byrd	Helms	Reid
Campbell	Hollings	Robb
Coats	Hutchison	Rockefeller
Cohen	Inouye	Roth
Conrad	Jeffords	Shelby
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
Danforth	Kempthorne	Stevens
Dole	Kerrey	Thurmond
Domenici	Lott	Warner
Exon	Lugar	

NAYS—35

Biden	Boxer	D'Amato
Bingaman	Bradley	Daschle

DeConcini	Kerry	Murkowski
Dodd	Kohl	Murray
Dorgan	Lautenberg	Pell
Durenberger	Leahy	Sarbanes
Feingold	Levin	Sasser
Ford	Lieberman	Simon
Grassley	Metzenbaum	Specter
Harkin	Mitchell	Wellstone
Hatfield	Moseley-Braun	Wofford
Kennedy	Moynihan	

NOT VOTING—6

Bryan	Cochran	Riegle
Chafee	Pryor	Wallop

So the motion to table was agreed to.

AMENDMENT NOS. 2119 THROUGH 2126, EN BLOC

Mr. LEAHY. Mr. President, I send a group of amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER (Mr. LEVIN). Does the Senator request that the pending committee amendments be set aside?

Mr. LEAHY. Yes, I ask unanimous consent that they be laid aside so that these amendments may be considered.

I also ask unanimous consent that any statements relative to these amendments be placed appropriately in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending committee amendments will be laid aside.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes amendments, en bloc, numbered 2119 through 2126.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 2119

(Purpose: To require a report on country development policies)

At the appropriate place, insert the following:

COUNTRY DEVELOPMENT POLICIES REPORT

SEC. . (a) REPORTING REQUIREMENT.—The Secretary of State shall, by March 31, 1995, submit to the Committees on Appropriations a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies, and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess of a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for East European Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

Mr. MACK. Mr. President, I rise to offer an amendment that requires the administration to send a report to the Congress on the policies of foreign aid recipients that most affect economic growth.

The reason for this amendment is simple. There is no way to address the tremendous poverty in much of this world without economic growth. That is the undeniable truth, and the World Bank and the IMF are saying it loudly and clearly.

There is a growing consensus in the developing world today that poverty cannot be addressed without economic growth, and that sound economic policies are the most important factor in achieving that growth.

I would cite just one fact to illustrate the dramatic need for growth, particular in Africa. The New York Times points out that the 1991 gross national product of all subSaharan nations combined, except for South Africa, is about the same as the GNP of Belgium. Those African nations have a population of 600 million people, compared to 10 million people in Belgium.

That is an astounding and tragic fact. If we do not address the need for economic growth in Africa, we are in effect saying we do not really care about poverty in Africa. Yes, we are willing to send billions and billions of dollars in aid to Africa, but that is not the same as caring. If we really cared about the people of Africa we would be doing everything we could to encourage progrowth economic policies. Without sound economic policies, no amount of foreign aid will address the poverty that exists in these nations.

As I said, both the World Bank and the IMF have come to this conclusion. A 1994 World Bank report on Africa states:

A broad-based pattern of rapid economic growth is vital to reducing poverty in Sub-Saharan Africa . . . The importance of reforms for Africa's economic future cannot be overstated. With today's poor policies, it will be 40 years before the region returns to its per capita income of the mid 1970s.

In a recent speech on the developing world, the Director of the International Monetary Fund said:

The aim must be economic growth, because that is the only means of obtaining rising living standards on a sustainable basis. Growth is the key to reducing poverty.

The purpose of this amendment is to require the administration to produce a comprehensive but concise report that assesses the economic policies of the countries we aid with an eye toward whether they contribute to or retard economic growth. The principle here is similar to the principle behind the existing State Department report on human rights. If we wish to encourage certain policies, we should have a clear idea about which countries are pursuing good policies and which are not.

The World Bank has found that good policies matter. Their African study found that countries with largely improved macroeconomic policies grew almost 2 percent faster than they did before policy reforms. And that the growth rate in countries with the worst policy records actually fell by 2.6 percent.

This is a modest amendment. It is not as comprehensive as I originally intended to offer, but it is a reasonable compromise. We worked closely with the staff of the chairman and ranking member who is a cosponsor in drafting it, and appreciate their assistance.

AMENDMENT NO. 2120

(Purpose: To allow for Department of Defense Expenditure for the transportation of Nonlethal Excess Defense Articles to Albania.)

On page 112, after line 12 of the Committee reported bill, insert:

NONLETHAL EXCESS DEFENSE ARTICLES

SEC. . Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1995, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to Albania.

Mr. LEVIN. Mr. President, as the poorest nation in Europe, Albania faces tremendous difficulties. Having been totally isolated behind the Iron Curtain, Albania spent nearly half a century in the grip of a paranoid tyranny. Last year the United Nations classified Albania as a least-developed nation, the first time ever a European nation was thus classified.

I traveled to Albania last year, and met with the President and many of the officials of the Albanian armed services. I have also met with the Defense Minister here in Washington, as have many of my colleagues. I understand and admire the great distance Albania has come in a short time, but I also understand what an even greater distance it still has to go.

Albania is striving to establish a free market and democratic society. The path will be long, and the journey difficult. For example, there have been recent problems with civil liberties and press freedoms. It is proper that the United States help the Albanian people establish a firm and solid foundation for free institutions in Albania, especially since the Balkans is in such turmoil.

Mr. President, one way to enhance stability is to assist the Albanians in establishing strong civilian control over its own military. The United States has been advising them on this,

and they are open and receptive. The amendment I have offered will authorize the granting of a waiver for Albania, if desired, of the statutory requirement that any nation receiving nonlethal excess defense articles pay for the handling and transportation of those items.

In the case of Albania, a little help will go a long way. They have signed the Partnership for Peace agreement with NATO, and they are looking to the United States for assistance and guidance. This amendment will enable Albania to receive relatively small amounts of non-lethal Department of Defense items even though they do not now have the resources to pay for the handling and transportation of those stocks.

Albania is a struggling nation in a crucial part of the world that is in crisis. They want to be our friend and ally, and this is one small way for us to assist them in this.

I express my appreciation to Representative ELIOT ENGEL for his work on this issue, and I thank the managers of the bill for accepting this amendment. It will help solidify the foundation for the emerging democracy in Albania, and that may be an important step to help stabilize the region.

AMENDMENT NO. 2121

(Purpose: To express the sense of the Senate regarding a volunteer United Tech Corps to provide technical assistance to the new independent states of the former Soviet Union)

On page 23, after line 25, insert the following new subsection:

(n) Of the program funded under this heading, it is the sense of the Senate that a volunteer United States Tech Corps should be funded for the purpose of providing technical assistance to the new independent states of the former Soviet Union, particularly in the refrigeration of perishable commodities.

AMENDMENT NO. 2122

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

AMENDMENT NO. 2123

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union, add the following new section:

Not less than $50,000,000 of the funds appropriated under this heading shall be made available for programs and activities which match U.S. private sector resources with federal funds.

AMENDMENT NO. 2124

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add the following:

Within sixty days of enactment of this Act, the Administrator of the Agency for International Development shall report to the Committees on Appropriations concerning the feasibility of developing an outreach program which would make grants to partnerships between American communities and organizations with cultural and ethnic ties to the new independent states and their counterparts in the new independent states.

AMENDMENT NO. 2125

(Purpose: To prohibit the availability of military education and training funds and foreign military financing funds for alcoholic beverages and certain food and entertainment expenses)

On page 112, between lines 9 and 10, insert the following new section:

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

SEC. . None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation); or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees and food at sporting events and amusement parks.

Mr. PRYOR. Mr. President, I wish to discuss two programs that I believe deserve our close scrutiny. The International Military Education and Training Program, or IMET, and the Foreign Military Financing Program, or FMF, provide funds to foreign countries to enable foreign soldiers to come to the United States to attend military schools. These programs further these soldier's professional knowledge as well as expose them to American culture and traditions. In the last year we have had approximately 4,000 officers and enlisted men from a variety of countries from Botswana to Venezuela.

These foreign military students attend many of the same courses that American soldiers and officers attend, such as the Command and General Staff course. In addition, many of the students also learn valuable skills tailored to their region. For example, students from Latin American countries learn about U.S. antidrug operations. However this program provides certain benefits to these foreign military students that our American students can only hope for.

The Informational Program, which is part of IMET, provides funding to all the military departments to acquaint foreign military personnel with our Nation's society, institutions, ideals, and priorities. This is the official DOD definition. However, while these goals are admirable, I am forced to question many of the expenditures.

I recently asked the Department of the Army to provide a list of all Informational Program expenditures at the U.S. Army School of the Americas. While this request focused only on the School of the Americas, I am also reviewing spending throughout the Department of Defense on Informational Program items. I received some appalling results.

Mr. President, the U.S. Army routinely buys cases of Chivas Regal scotch and Miller Lite beer with program funds. The Army also routinely paid for hot dogs and other refreshments for the students at events such as the Six Flags over Georgia amusement park and Atlanta Braves baseball games. The Army also paid for countless trips to a local steakhouse. These are only a few examples. The list goes on.

Let me read some other examples: over 2,600 dollars worth of baseball hats, 1,140 dollars worth of lapel pins, 700 dollars worth of coffee mugs, $2,500 for a picnic, and over $1,000 at the Kick-N-Chicken liquor store. In fact, in fiscal year 1992, the School of the Americas spent $7,000 on such questionable expenses. One year later, they spent $23,000. Finally, in fiscal year 1994, the school spent $19,000. It should be noted that the school's Informational Program budget for fiscal year 1994 was $62,000. Mr. President, what is the Department of Defense guidance on these matters? Army Regulation 12–15 clearly states that:

The entertainment and social aspects of activities should not be a predominant element of the Informational Program . . . Activities that could be interpreted as being lavish are to be avoided.

While I realize these are not staggering sums of money, when in the Senate we often talk about millions of dollars without batting an eye, I do not believe this is an appropriate use of taxpayer dollars. This type of spending is not consistent without our own military traditions and most importantly, we certainly do not give our own soldiers these kinds of perks.

Mr. President, there appears to be a culture of spending in IMET that must be addressed and remedied. Again, although we are not talking about huge sums of money, we must send a message that our soldiers come first. Mr. President, the U.S. Government does not purchase hot dogs and other items for soldiers in the U.S. Army. How can we ask our own soldiers to do more with less, when we are treating foreign officers like kings? The amendment which I am offering will eliminate these types of expenditures. Very simply, the amendment states that no IMET or FMF funds will be spent on alcohol or recreational trips. In addition, the amendment also states that the primary focus of IMET must be cultural or educational in nature. These extravagant types of expenditures are not consistent with the intent of the Informational Program and are an insult to the uniformed members of the U.S. Armed Forces.

Mr. LAUTENBERG. Mr. President, I am pleased to offer this amendment along with Senator PRYOR.

We have heard a lot about waste fraud and abuse in government spending. Well, Senator PRYOR and I have found some. And we intend to eliminate it.

Under the auspices of the Information Program budgets of the International Military Education and Training IMET and Foreign Military Financing [FMF] programs, American taxpayers spend millions of dollars to give foreign soldiers military training and an education about American society. That may well be a good thing to do. But it turns out that we actually give them a lot more than training.

We give these foreign soldiers free hot dogs, free popcorn, and probably free peanuts and crackerjacks when they attend baseball games and go to amusement parks. We pay the bill for dinners at fancy steak houses. We pick up the tab for entrance fees at parks and maybe even greens fees at golf courses. And we pay for extravagant parties where the liquor flows freely.

Now, Mr. President, none of this is supposed to happen. Under guidelines developed by the Department of Defense, Information Programs like IMET and FMF are designed "to introduce foreign military personnel to and acquaint them with this nation's society, institutions, ideals, and priorities." DOD regulations explicitly say that, when it comes to the Information Program "Entertainment and social events should not be a major element of the program."

That is the theory.

But here is the reality.

Over the past 5 years, the United States has spent $24.3 million on visiting foreign soldiers through the various Information Programs within the Department of Defense. Too much of that money is spent on food, fun, and entertainment.

Let me give some examples drawn from the expense accounts we examined at the School of the Americas—an institution which, like all IMET and FMF programs, has an Information Program.

Over a 3-year period from 1991 through 1993, the school spent nearly eight times as much on food and entertainment for foreign students as it did to take them to see American historical and cultural sites.

In 1991, the School spent less than $3,000 on entrance fees and admission to historical and cultural sites such as Historic Columbus, the Little White House, and CNN. In that same year, however, the school spent nearly five times that amount wining and dining foreign soldiers with U.S. taxpayers' money in local restaurants. Foreign soldiers were regularly treated to lunch and dinner 48 times, including multiple visits to such favorite restaurants as Ryan's Steak House.

That same year, visiting foreign soldiers were taken to Atlanta Stadium to watch the Braves play. Although the foreign soldiers apparently bought their own tickets, we bought the food they ate there—all $280.50 worth. The next year, students were taken to 6 Flags Over Georgia, and again, we bought the food they ate at the amusement park. On another trip to 6 Flags, our guests were still hungry when they left the amusement park—which may explain the nearly $700 worth of steak dinners at Western Sizzlin restaurant, presumably bought for foreign soldiers on their way home.

It is not only food and entertainment that are given a higher priority than historical and educational activities. The American people are being asked to spend tens of thousands of dollars on gifts and trinkets for foreign soldiers. In fact, in 1991, the School spent almost three times as much on gifts and trinkets for foreign soldiers as it did taking them to museums and historical sites.

What kind of gifts and trinkets? Well, there were $2,640 worth of baseball hats with a special insignia. There were $2,250 worth of pewter boxes with stars and stripes, $737 dollars worth of School of the Americas pins, $1,512 worth of School of the Americas ties, and $700 worth of School mugs.

Let us look at 1992.

That year, the School spent nearly 7 times as much on food, entertainment, and alcohol for visiting foreign soldiers as it did taking those soldiers to American historical sites. The school spent nearly $2,500 on just one picnic. Now that's a lot of potato salad!

And, in just a few stops to the Kick-N-Chicken Liquor store, the school spent thousands of dollars on expensive alcohol. Maybe American soldiers drink alcohol—which they pay for themselves—but we spent thousands of dollars to buy our foreign guests Chivas Regal, Johnnie Walker, Jack Daniels, Tangueray, Bacardi, Stolichnaya Vodka, Courvasier Cognac, and Gallo wine.

Nineteen hundred and ninety-three expenditures look very similar. There were trips to the Steak & Ale Restaurant, Shogun Japanese Steak House, Ryan's Steak House, the Bonanza Family Restaurant, Tortilla Flats, the Sundial Room, the Westin Peachtree, Shoney's the Sizzler, Sonny's BBQ, and LePetit Bistro. Tens of thousands of dollars were spent on food. Because the priority was food and fun, only a few historical outings were thrown in for good measure. In fact, that year, the School spent 18 times as much on food and fun as it did taking students to cultural and historical sites.

And that, Mr. President, is just the obvious misuse of taxpayer dollars. There are some less obvious examples as well. For example, when we reviewed the expenses at the School, we found several trips to, and entrance fees paid for, Callaway Gardens. That, I thought, might be some historic site that I hadn't heard about; some cultural center that I had never visited; some Civil War battlefield I did not know about. So I got a copy of a brochure about Callaway Gardens. And guess what? Callaway Gardens isn't a museum or a battle ground at all. It's a resort.

Callaway Gardens, according to its own literature, offers visitors "63 Holes of Golf—magnificently designed". The resort's advertising boasts that its "18 hole and executive 9-hole golf courses are rated among the Nation's best," and that its "Mountain View course is the site for the PGA Tour's Buick Southern Open held each fall." But wait! That is not all. Callaway Gardens Resort has a 7½ mile bike trail. It has a beach where there is "swimming, sunbathing, paddleboating, miniature golf"—and a circus.

It has a tennis center with "clay and hard surface tennis courts, racquetball courts, and a complete pro shop." Also, "sailboats, canoes, and motorized suncats are available for boating enthusiasts."

I would like to take a vacation there. But the American taxpayers ought not be asked to pay for it. But they are paying for foreign soldiers to go to Callaway Gardens. Now, Mr. President, I am sure it is a nice resort—but going there is probably not going to improve anyone's understanding of American society.

I tell you, Mr. President, I have been through these expense accounts fairly carefully. I uncovered the real nature of Callaway Gardens but there were some items I could not figure out. There was the $719 for "double elephant ears" which I still am puzzled by. And a "custom vinyl link mat" for $654.72 which confuses me. I have asked the Department of Defense to clarify these expenditures for me.

There are plenty of examples of unnecessary spending in these Information Program accounts. But beneath the temptation to make fun of these examples, there are at least three serious points that need to be made.

First, picking up these bills is inconsistent with the mission of schools that train foreign soldiers. Those programs are designed to instill in foreign soldiers an appreciation of the appropriate role of military leaders in a democratic society. Giving them special treatment is not consistent with at least my vision of how the military should operate in a democracy.

When foreign soldiers receive free alcohol, they are being taught that they are different than other people. When the U.S. Government gives them free lunches and steak dinners, it teaches them that they deserve privileges merely because they are in the military. And when foreign soldiers receive free tickets, it teaches them to expect free access to activities that other people must pay for.

We should be training the foreign soldiers who attend such programs something about the nature of leadership and the role of the military in a democratic society. Picking up the bill for

food and entertainment is not the way to do that. Which may explain why the School of the Americas boasts such graduates as Manuel Noriega.

Second, we do not need to pay for these special favors. Foreign soldiers are paid by their own governments. They receive a basic allowance. They are not poor. They came here to learn something. In that process, we should expose them to American culture. But steak dinners and resort outings are not the essence of American culture. Maybe we should make sure they are exposed to those experiences; but they can and should pay for them rather than asking the American taxpayer to pick up the bill.

Third, it is unjust to pay for entertainment for foreign soldiers when we do not pay our own soldiers enough to meet their basic needs. A lot of American soldiers might want to go to Ryan's Steak House or Callaway Gardens or a ballgame or an amusement park. But if they go, they pay their own way. And that often is not very easy.

An article in the New York Times from June 12, discusses the growing financial worries of American soldiers, and it quotes the wife of a soldier whose family recently began drawing $228 each month in food stamps to get by. In an attempt to explain just how tight the family budget is, the soldier's wife said, "We haven't bought any steaks since we've been here, and whenever I want to cook something with ham, I substitute Spam for it."

While American soldiers struggle to make ends meet, they see foreign soldiers getting free meals at fancy restaurants paid by U.S. taxpayers. They hear stories about foreign soldiers getting free alcohol paid by U.S. taxpayers. And they know that foreign soldiers get special treatment at ball games and amusement parks at taxpayer expense.

For all those reasons, Mr. President, we need to correct this problem. And our amendment does that.

Mr. President, our amendment will take excessive and wasteful spending out of the Information Program for foreign soldiers throughout the IMET and FMF programs. It will prohibit tax dollars from being spent on food, other than that provided at a military installation. It will prohibit entertainment expenses for activities that are largely recreational, including entrance fees and food at sporting events and amusement parks. It will prohibit tax dollars from being spent on alcohol. Importantly, it makes the point that wining and dining foreign soldiers and officers does not serve the public interest and should be cut out of the budget.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2126

The Senate finds that:

A) The Burmese people overwhelmingly voted in 1990 to begin a process of political and economic reform based on a fundamental respect to human rights and freedom of political expression by resoundingly rejecting the military-led government of the State Law and Order Restoration Council (SLORC), and electing a coalition government headed by the National League for Democracy;

B) SLORC refused to recognize the will of the Burmese people and in the wake of the election launched a bloody crackdown against the prodemocracy movement killing some activists through torture; others were imprisoned or forced to flee Burma;

C) Since that time, all political dissent has been banned with violators arrested, jailed often beaten and sometimes executed for attempting to express political beliefs. The United States and United Nations have repeatedly identified SLORC as one of the worst offenders of human rights in the world;

D) SLORC and military officials have a long history of complicity in drug trafficking and production;

E) The forced conscription of rural villagers including the elderly, pregnant women, and children as slave labor to carry arms and ammunition for the military, and build roads and bridges for government projects continues. Slave porters are routinely malnourished, beaten, often raped and sometimes executed if they fail to perform work ordered by military officials;

F) The massive infusion of new arms into Burma poses a direct threat to regional stability; and

G) The actions of the government of Thailand in harassing an forcibly repatriating Burmese refugees is of deep concern to the United States.

The Senate of the United States of America calls for:

A) SLORC to immediately and unconditionally release the leader of the National League for Democracy, Aung San Suu Kyi, from house arrest and install the legitimate government of Burma;

B) Immediate access to political detainees or convicted prisoners of any kind by representatives of the International Committee of the Red Cross.

C) The regime in Rangoon to take real and meaningful action against drug smugglers and corrupt government officials to combat the flood of opium and heroin coming from Burma;

D) International corporations investing or seeking business opportunities in Burma to recognize SLORC's policy of political repression, abuse of human rights, use of slave labor, and complicity in drug trafficking and refrain from investing in Burma;

E) The international community to ban selling weapons to SLORC;

F) The international community to recognize the plight of Burmese refugees and take whatever steps may be necessary to guarantee their safety and human rights.

Mr. MCCONNELL. Mr. President, in 1990, the military-run junta in Burma, known as the State Law and Order Restoration Council [SLORC] held parliamentary elections with the notion that they could manipulate the electoral process, win the elections, and legitimize their brutal rule with the international community. Well, the people had different ideas.

When the votes were counted after the election, the people handed the military dictators a crushing blow. The Burmese overwhelmingly rejected SLORC, and clearly signaled their intention to build a new Burma based on respect for human rights and political freedoms. The opposition, prodemocracy movement led by Aung San Suu Kyi and her National League for Democracy [NLD] party swept the vast majority of parliamentary seats, but before the new government could be seated, the military dictators led by General Ne Win struck. They arrested the new parliamentarians, cracked down on the opposition parties, and denied the Burmese people their right to self-determination.

Today, the situation in Burma continues to deteriorate. The human rights record of SLORC has the odious distinction of being one of the worst in the world. All political dissent is banned, in fact, anyone caught reading The New Era, an underground, prodemocracy newspaper, is automatically sentenced to 3 years in jail where beatings and torture are common occurrences.

SLORC is rapidly expanding its military and has purchased more than a billion dollars' worth of new weapons and hardware from China. This buildup is a direct threat to regional stability. In addition, the arms are being used to coerce ethnic groups living in the mountainous border areas into signing cease-fire or peace accords with SLORC. The military has an especially brutal record of human-rights abuses with rural villagers subject to executions, rape, and forced slave labor. For example, it is standard operating procedure for SLORC forces to use villagers—including women and children—as human minesweepers marching them at gunpoint down unsecured roads. Villages are also forced to "donate" people who work as slaves carrying arms and ammunition as well as in road construction. Anyone who resists is beaten or shot.

Mr. President, SLORC is not the legitimate government of Burma. In fact, they are nothing more than drug-dealing thugs. My amendment is designed to convey a strong message to SLORC: there is nothing they can do to legitimize themselves to the United States, and hopefully to the rest of the international community. SLORC has been hard at work trying to write a new constitution and they have scheduled a September session to try and finish this document. Despite their best efforts, we will not be duped by this carefully choreographed sham portrayal of peace and national reconciliation.

This amendment calls for the restoration of the democratically elected government of Burma, the immediate, unconditional release of Aung San Suu Kyi, a heroine of democracy, and for this government and the international community to provide assistance to the Burmese refugees living on the border areas.

I hope my colleagues will join me in approving this amendment denouncing

SLORC, and at the same time reminding the Burmese people who hold out the hope that they can once again play a part in bringing democracy to Burma that they have not been forgotten by the United States.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 2119 through 2126), en bloc, were agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. KOHL. Mr. President, I would like to take this opportunity to draw attention to two important Wisconsin-based programs which play a vital role in promoting democracy and understanding. Both of these programs are funded through the Agency for International Development [AID].

The Milwaukee International Health Training Center [MIHTC] is a consortium of schools, community-based clinics, private industries, universities, and social service agencies whose mission is to help developing countries improve the skills of their health care personnel, the use of their resources, and their service delivery systems.

This year, the House included report language urging AID to make every effort to provide $150,000 in fiscal year 1995 for an institutional development grant. While the Senate Committee on Appropriations did not include a recommendation for a specific funding level, it did include language stating that health training "can be effectively delivered by an alliance of schools and universities, community-based clinics, private industry, and social service agencies." The committee "encourages AID to support initiatives which incorporate this integrated approach to providing health care systems training." I want to clarify that the Senate committee's decision not to include the House language is in no way indicative of its level of support for the program. AID should know that the Milwaukee training program is supported by both congressional committees.

I would also like to make clear that there is strong support within Congress for the Milwaukee County Training Center for Local Democracy. This center, which is administered by Milwaukee County, trains Polish public administrators in economic development, urban planning, and communal services. During the 6-week program, participants live with Milwaukee area families, and work under the mentorship of Milwaukee metro area public administrators. The participants also work with faculty members of the University of Wisconsin—Milwaukee developing case studies, which may be used to train colleagues in Poland.

The House included report language recognizing the "impressive accomplishments" of the Milwaukee County project and recommending that "a best effort be made to fund the Milwaukee County Training Center for Local Democracy in the amount of $300,000 for fiscal year 1995." While the Senate Committee on Appropriations did not recommend a specific funding level for the project, the committee "is aware of existing exchange programs which have successfully provided training in local governance and public administration under the mentorship of public administrators in U.S. cities" and "encourages AID to continue supporting exchanges which bring central and Eastern European public officials to the United States for training." Once again, AID should understand that the Senate committee's decision not to include the House's language in no way indicates a lack of support for the project.

Mr. President, I strongly support both of these programs and hope AID will carefully consider the House and Senate report language in evaluating funding requests for these two training programs.

SUPPORT FOR ANTIABORTION AMENDMENT

Mr. PRESSLER. Mr. President, the Clinton administration has announced that it wishes to withhold foreign aid to countries that do not provide State-funded abortions. I always have opposed the use of Federal funds for any type of abortion-related activity, either domestically or through assistance to other countries. By granting or withholding assistance based upon this Clinton criterion, we would be imposing the Clinton administration's will on many cultures in which abortion is considered reprehensible.

I support the Helms amendment, which would not allow Federal funds to support indirectly proabortion policies in various countries. For instance, the majority of nations in Latin America and Africa view proabortion policies with great disfavor, as such policies are inconsistent with their mainstream cultural and religious values.

Many countries have strong sentiments against abortion. The final Preparatory Committee meeting prior to the Third U.N. International Conference on Population and Development to be held in Cairo, ended in dissension over reproductive rights. Roman Catholic and other antiabortion proponents from various countries signaled their strong disagreement with proabortion proposals.

I urge my colleagues to join me in support of the Helms amendment.

AID TO TURKEY—AMENDMENT NO. 2113

Mr. Leahy. Mr. President, the amendment I offered with the support of the Senator from Mississippi regarding Turkey requires that in any agreement to sell or provide military equipment to Turkey by the United States, there must be an express statement that the equipment will not be used in violation of international law. This requirement is intended to ensure that U.S. military equipment is not used against noncombatants, or otherwise in violation of the Geneva Conventions or any other international law. It is intended to ensure that, at the very least, any military equipment that we provide to Turkey is not used in violation of human rights.

Year after year in hearings and in the committee report, we have raised concerns about human rights violations in Turkey. We have asked for a strategy from the administration on how they are going to pursue these human rights problems. We never received one.

During the past few years when the administration said it was urging the Turkish Government to deal with the human rights problems, the situation got worse, not better.

Let me describe what is going on today in Turkey, according to the State Department and human rights monitors.

Torture is used routinely on people in custody. I will spare you the gory details of the practices that are used.

There are repeated reports that the Turkish armed forces have fired on the homes of Kurdish villagers in southeastern Turkey. Whole villages have been burned and forcibly evacuated.

More than 800 villages are said to have been evacuated under government pressure since 1990—70 since March of this year. Scorched-earth tactics are reportedly being used, resulting in some areas in a landscape of burnt villages.

The security forces continue to be charged with using deadly force against unarmed Kurdish civilians.

Nobody questions the Turkish Government's right to fight the PKK guerrillas, who themselves are guilty of atrocities. But that is no excuse for tactics that target civilian populations.

We cannot permit our helicopters and our military aid to be used in the strafing and bombing and burning of Kurdish villages.

This provision does not deny one dime of aid to Turkey. It simply says that before we sell or give them military aid, the Turkish Government must agree that it will only be used in accordance with international law.

If the Turkish Government wants to use our aid to fight their war against the Kurds inside Turkey, they are going to have to show that they can tell the difference between noncombatant women and children who happen to be Kurdish, and terrorists.

Mr. MITCHELL. Mr. President, I have consulted with the distinguished manager, Senator LEAHY, and I have also engaged in negotiations with our colleagues on the best way to proceed

with respect to this bill and the remaining measures which must be completed prior to the Senate's departure this weekend for the Independence Day recess.

It is apparent that we will not be permitted to complete action on this bill prior to that time. I regret that, but that is a reality, and it is within the power of Senators to prevent legislation from passing by a stated time.

Therefore, I have decided, following the consultations and discussions which I mentioned earlier, to enter into an agreement on which we have reached an understanding, although it has not yet been placed into a formal agreement, that will be done tomorrow, but the understanding will be entered as an agreement tomorrow that we will get a finite list of the remaining amendments to this bill, and we will put the bill over until after the recess, with the further understanding that there will be a specific date and time certain by which those amendments will have to be offered.

Therefore, we will be able to complete action on the measure within what I hope will be a reasonable period of time when we return from the recess.

The two remaining measures on which we must complete action this week are the energy and water appropriations bill and the Department of Defense authorization bill. We had, of course, spent some considerable time on the Department of Defense authorization bill last week.

There now exists a finite list of amendments to that bill. Although it is very long, the managers have been working diligently to pare down the list and obtain agreements on those amendments which will require votes.

So, Mr. President, we will proceed to the energy and water appropriations bill at 9 a.m. tomorrow with the expectation that we will be able to complete action on that bill within a relatively short period of time and then be able to get to the Department of Defense authorization bill by early tomorrow afternoon.

We will then remain in session for as long as it takes to complete action on the Department of Defense authorization bill. When we complete action on that, the Senate will then conclude for this legislative period and will begin the Independence Day recess.

I will also either on tomorrow or on Friday set forth for the Senate in as much detail as is possible the schedule for the first week of the Senate session following the Independence Day recess.

So for now we have made some progress on this bill, but it is obvious that we are not going to be able to complete it, and, therefore, we will enter the agreement which will permit its completion shortly after returning from recess by a time is certain and within a reasonable period of time, and we will take up and complete action on the energy and water appropriations bill tomorrow, then begin the DOD authorization bill, and then once we get on that we will simply stay in session until such time as the DOD bill is completed.

I hope that can be done by the close of business on Friday, but I want to make clear that we will stay in session for however long it takes to complete action on the DOD authorization bill.

Mr. President, I thank my colleagues for their patience, and I thank the Senator from Vermont for his diligence and perseverance on this matter.

Mr. LEAHY. Mr. President, if the Senator will yield, I will just note I know the frustration he must feel in trying to move matters forward. On this bill I think we have had only a couple votes that really pertained directly to the appropriations items in the bill. They were disposed of in about an hour or less of debate. We spent 13 hours on this discussing items that have either been discussed at great length in the Senate before and voted on or really bear no relationship to an appropriations bill. I note, therefore, those who are concerned about what happens in the foreign operations bill, those who have countries that they are particularly concerned about and will be made new items, I point out that, one, we have not even been allowed to do as we normally do and that is adopt the committee amendments en bloc, and 95 percent of the time the debate so far has been on issues that have been covered before. They are non-appropriations issues, and we have yet to be able to consider those items that traditionally been part of the foreign operations bill. We have yet to adopt the provisions related to the Camp David countries, yet to debate provisions related to NIS even though these are all provisions voted unanimously by both the subcommittee and full Committee on Appropriations. So I share the frustration of the Senator from Maine, and I must say that he has the patience of the mountains of Maine to be able to put up with this. I thank him for his help.

Mr. MITCHELL. Mr. President, we all know that the Senate's rulings permit delay for those who wish to engage in delay. Unfortunately, it is a common practice here. Ultimately, we will get this bill done and the others done. We will just proceed.

I want to repeat so there is no misunderstanding we will go to the energy and water appropriations bill at 9 a.m. tomorrow. Our efforts will be to complete action on that bill in a relatively short period of time and then immediately thereafter return to the DOD authorization bill and then remain in session until such time as that bill is completed.

If we can finish action on it tomorrow night, then we will break for recess tomorrow night. If we cannot and take until Friday, then we proceed on Friday and finish it. If we do not finish on Friday, we come back on Saturday. We will simply stay as long as it takes to act on the DOD authorization bill.

Mr. President, I thank my colleagues.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL TAX HIKE ON SOCIAL SECURITY

Mr. GORTON. Mr. President, thousands of seniors in my home State of Washington are suffering from last year's massive tax hike on Social Security benefits. As many seniors are painfully aware, the 1993 tax bill included a whopping tax hike of up to 70 percent on some Social Security benefits.

Recently, I asked constituents all across Washington about this tax increase to get their feelings on the matter. Overwhelmingly, they responded that the tax increase was unjust, unfair, and unwarranted. They tell me that it needs to be repealed—now. I agree wholeheartedly and am working hard to see that happen.

I have frankly been outraged by the willingness of this Congress to heap more and more taxes on the backs of seniors. Seniors are not greedy. They are not selfish. They are trying to make ends meet on a fixed income, after having spent years and years building up the economy of this country. They deserve our heartfelt thanks, not a grab at their pocketbooks. They are justifiably angry.

Let me just read what a few of my constituents have to say on this topic. A senior in Olympia says it is "wrong to put a high tax on seniors' Social Security. Our government made a contract with all citizens and we were forced to pay into the plan all our working lives. It is unconscionable that we could now be forced to give up those Social Security benefits to high taxes."

A man in Vancouver, in discussing Congress' tax increase, asks "They think this is fair?" A woman characterizes the Social Security tax hike as

"putting the squeeze on taxpayers for expanded programs." A man in Issaquah says "this is just a back-door method of raiding Social Security to finance who knows what." And a man in Auburn says "New taxes on Social Security should be repealed now!"

Mr. President, I agree. That is why I cosponsored S. 1408, to completely repeal the tax hike imposed by last year's tax bill. It is critical legislation for this country's senior citizens. And I will, with the help of the people of Washington State, continue fighting to pass it.

S. 687—PRODUCTS LIABILITY

Mr. DOLE. Mr. President, my remarks will be brief, as everything that can be said about this bill has been said—if not during this debate, then certainly sometime over the last 13 years.

And while the Senate has talked and talked about this issue, American manufacturers, wholesalers, distributors, and retailers have lost jobs and opportunities, innovation has been stifled, and consumers have suffered.

I find it ironic, Mr. President, that many of my colleagues who so strongly support overhauling our health care system—which is the best in the world—continue to try and block reform of our products liability laws—which are among the most confusing and inefficient in the world.

In my book, Mr. President, obtaining cloture and eventually passing S. 687 is a "win-win" situation.

American businesses would win, because their expenses would be reduced, and their products would receive a boost here at home and in the world market. Foreign competitors do not face skyrocketing liability costs, and in some industries have captured market share from U.S. companies that are burdened with such costs.

American consumers would win because better products would enter the market, and prices would be lower.

Those afflicted with a number of diseases would win, because pharmaceutical and medical research companies would have more money to spend on research and development rather than on litigation.

Indeed, the Commerce Committee heard testimony from two firms that concern over products liability litigation and costs caused them to drop research into drugs which might be important to AIDS patients.

Those who have legitimate products liability claims would win because the bill creates incentives for resolution of disputes before going to trial—a system that often creates waits of longer than 2 years between filing a case and receiving the jury verdicts—and longer if there is an appeal.

Severely injured victims cannot afford to wait years before being compensated. Often, these long delays force settlement for amounts far less than adequate.

Mr. President, 13 years of being tied up by the American Trial Lawyers Association is long enough. Let's invoke cloture, pass this bill, and then take another much needed step, and move on to reforming the liability laws relating to aviation.

S. 687—PRODUCT LIABILITY BILL

Mr. BRADLEY. Mr. President, I rise in opposition, to S. 687, the Product Liability Fairness Act. The debate on this bill has been spirited and informative. I have reviewed the present bill and compared it to S. 640, the prior product liability bill that this body considered in 1992. While I think that this bill is better than the prior bill, I do not think that it goes far enough in striking a balance between the desires of manufacturers and product sellers to streamline the product liability process and the ability of ordinary Americans to bring lawsuits seeking relief from injuries resulting from defective and dangerous products.

My initial concern with the bill is that I think the provision concerning expedited settlement puts an undue burden on plaintiffs by placing a cap on attorneys' fees of $50,000 when the defendant rejects a settlement offer and the plaintiff receives a judgment that is greater than the amount of the offer. As an initial matter, I think that the cap will affect the quality of legal talent that will be available to plaintiffs who wish to pursue litigation. In our market-driven society, as in any profession, attorneys in the legal profession with superior skills will gravitate toward those cases that yield the greatest compensation. No such cap is placed on fees that attorneys for defendant can receive. While I share the concerns of some that a few attorneys may be receiving a windfall with respect to fees in these cases, I think that the present cap will place too much of a burden on plaintiffs by limiting their options in choosing and retaining skilled attorneys when the defendants make the determination that plaintiffs adjudicate their claims in court.

Also, I believe that such a cap will force plaintiffs to play Russian Roulette with the decision of whether to go to trial based on advice from an attorney that would inject the issue of attorney's fees into the decision-making process. A decision to proceed to trial should be made solely on the basic of a consideration of the merits of the underlying claim. This bill, however, would dilute that decision by placing the issue of attorney's fees into the equation. Plaintiffs are frequently persons of modest means who perceive a lawsuit as a unique event. Their attorneys usually take these cases on a contingency fee basis and thus accept part of the risk of losing the case. On the other hand, defendants perceive these lawsuits as a regular and calculable part of business. Thus, plaintiffs and their attorneys are likely to be more risk averse than defendants and will accept a smaller sum to avoid the risk of losing in court. Such a scheme does not place plaintiffs and defendants on equal ground in the legal arena.

Mr. President, with respect to the provisions of the bill that provide an exemption from punitive damages for drug companies and aircraft companies, I think that this provision places too much of a burden on a weak and ill-equipped Federal regulatory system to protect the safety and well-being of American citizens. There is no question that over the last decade, the budgets and personnel of regulatory agencies have been severely cut. For example, between 1979 and 1989, the FDA's staff was reduced by over 1,000 employees. Thus, I think that it is incongruous to pass a bill that strips the judiciary of the ability to protect consumers from defective and dangerous products without strengthening the first line of defense against unsafe products, the regulatory agencies.

Mr. President, I have some broad concerns regarding the impact of this bill on the American public. While the bill places restrictions on the ability of individual citizens to seek redress from defective products, it places no restrictions on corporations to seek such redress. For example, this bill contains a provision that bars civil actions if a capital good that is 25 years or older is alleged to have caused harm. Thus, if a capital product explodes and severs the leg of an individual worker while causing extensive damage to a plant, an individual claimant entitled to worker's compensation has no claim, while the corporation can sue for damage to the plant even though the corporation has insurance.

Mr. President, I have heard that these lawsuits are eroding American corporate competitiveness. However, Mr. President, any bill that attempts to improve U.S. competitiveness by reducing the amount of litigation in our society should be comprehensive. It should not focus solely on cases brought by individuals who claim to be injured by certain products, but should also focus on litigation between other actors in the system on a variety of legal theories. Nothing hampers U.S. competitiveness more than a system which encourages our businesses to sue each other over matters that could be resolved outside the courts. In our search for legal reform, let's try to rid the courts of some of these cases as well.

Mr. President, we have been told that there is a litigation explosion with respect to product liability and that corporations and the business community

are suffering under the weight of this explosion. We have been told that this bill will place plaintiffs and defendants on more equal ground in the litigation process. However, Mr. President, the New York Times just last week reported the results of a study which concludes that in 1992, juries awarded judgments to plaintiffs in personal injury cases 52 percent of the time. This figure is down from 63 percent in 1989. With respect to product liability cases, the study found that in 1993, the plaintiffs chances of winning at trial are 41 percent. Thus, statistics show that at the present time, defendants, not plaintiffs, are victorious in a majority of the product liability cases that are adjudicated. While one could conclude that plaintiffs may be losing these lawsuits because they are frivolous, the fact is that State and Federal courts have procedures in place to sanction plaintiffs who bring frivolous lawsuits, and no evidence has been presented to this legislative body that plaintiffs are engaging in the practice of bringing frivolous actions.

Mr. President, although there have been relatively few punitive damage awards in product liability cases over the last 25 years, we have been told that the threat of punitive damages encourages many product manufacturers to settle cases that they would have no problem winning in an effort to avoid having claims for punitive damages go to juries unfamiliar with the precautions that are now taken to ensure that products are safe. However, Mr. President, the numbers simply do not add up to the conclusion that the business community is being treated unfairly by juries. Indeed, in almost 60 percent of the product liability cases brought in 1993, plaintiffs were the losing parties.

Mr. President, it has additionally been argued that these lawsuits increase the costs of producing products in this country and thus hurts American competitiveness. However, a 1987 conference board survey of risk managers of 232 corporations shows that product liability costs for most businesses are 1 percent or less of the final price of a product, and have very little impact on larger economic issues such as market share or jobs. In addition, the American Insurance Association, the largest trade association representing the insurance industry, has testified that this legislation will have virtually no effect on insurance costs.

Mr. President, to put it succinctly, I do not think that the bill will really do what its proponents say it will do. As mentioned earlier, the proponents of this bill argue that the business community is suffering under the weight of a litigation explosion. They contend that this bill will decrease both the incidence and cost of litigation. Mr. President, no one disagrees that we are an overly litigious society. However, I am not convinced that this bill can correct the problem of litigiousness by focusing on just one aspect of the system. A recent University of Wisconsin study shows that when you take out asbestos cases, the number of product liability cases has actually decreased since 1985, and according to a survey of several State court systems by the National Center for State Courts, "the most dramatic increase in the civil caseloads tended to be for real property rights cases or contract cases, not torts." Nothing in the current bill addresses the other types of cases.

In conclusion, Mr. President, because of the above stated concerns, I must oppose S. 687, the Product Liability Fairness Act.

S. 687, THE PRODUCT LIABILITY FAIRNESS ACT

Mr. KERREY. Mr. President, I voted against cloture on S. 687, the Product Liability Fairness Act for three reasons. The first is that the proponents of the bill have not shown that the uncertainty of product liability lawsuits has put U.S. manufacturers in crisis, a claim that has been made repeatedly. Second, the bill, in attempting to address this perceived crisis, unfairly makes some rules uniform without providing uniformity in other rules. Third, recent trends indicate that the product liability system is regulating itself.

Support of S. 687 requires a firm belief in the premise that U.S. manufacturing is at a disadvantage compared with other countries and in need of Federal relief because of product liability laws. Some industries, like the small aircraft industry, have been able to document a trend of losing ground to foreign manufacturers over a number of years. However, in the vast majority of industries, the facts and trends indicate otherwise. U.S. workers produce $49,000 in output each year, more than any other country. Our rate of unemployment is lower than any other country. In addition, the General Accounting Office, in a 1988 report, found that insurance costs represented a relatively small proportion of businesses' annual gross receipts—.06 percent for large businesses and about 1 percent for small businesses. U.S. business and manufacturing is alive and thriving.

Another frequently cited need for reform is the notion that the amount of litigation in this country is dragging down the United States. I think the reality is quite the contrary. Our system of justice is based upon the right to trial by jury. Yes, it is true that we are a litigious society. However, litigation is the price we pay to remain a free and self-governing people. Juries do not work for trial attorneys. Juries are made up of our neighbors and colleagues who work for a living, know the value of a dollar, and determine the proper amount that an injured party should receive. In reality, the number of product liability cases in Federal courts, other than asbestos cases, has been steadily declining.

Senator ROCKEFELLER and the manufacturers who support this bill seek to instill balance in the jury system which is often unpredictable. I think this is a reasonable goal. Unfortunately, S. 687 does not achieve the balance I believe is necessary.

In Nebraska, like most other States, our manufacturers export over 80 percent of their goods for sale in other States exposing them to varying State laws. I understand their desire for uniformity. But many believe that S. 687 will actually result in less uniformity in the law of product liability for the simple reason that the bill preempts some State laws while leaving others intact. In addition, the bill places the responsibility of interpreting and applying a mix of State and Federal law in the State courts. The result is that we will disrupt established State law and be left with different interpretations of the new law, an outcome which does not help manufacturers or consumers.

In addition, S. 687, while providing some uniformity for manufacturers, does not provide the same measure of uniformity for injured parties.

In an effort to provide better balance in the bill, I made several suggestions to the bill sponsor, Senator ROCKEFELLER. One suggestion I made was adopted by Senator ROCKEFELLER. The change addresses the unfairness of penalties applied to parties under section 101 which governs expedited product liability judgments. Under that section a defendant's penalty for rejection of a settlement offer is capped at $50,000, but the claimant's penalty is not capped. I am pleased that Senator ROCKEFELLER agreed to include a $50,000 cap on the claimant's penalty to mirror that of the defendant. This change provides fairness and uniformity for both parties. However, the fact remains that many other sections of the bill override State laws where those laws protect consumers, but leave intact the different State laws where those laws benefit manufacturers.

Uniformity for both manufacturers and consumers is especially important in Nebraska whose citizens would be in a worse position under the bill because strict Nebraska laws would remain in place in addition to the new Federal rules legislated in the bill. For example, Nebraska citizens would be harmed by the section of the bill on punitive damages. Punitive damages are meant to act as a punishment for companies whose wrongdoing goes beyond mere negligence to the level of outrageous misconduct. S. 687 establishes the burden of proof an injured party must meet to qualify for punitive damages

and provides a defense to punitive damages for drugs or aircraft that have been approved by Federal agencies. However, the bill specifically exempts States, like Nebraska, which do not currently offer punitive damages. Thus, a Nebraskan injured by a defective product could not get punitive damages, whereas an Iowan, for example, could. I think this is an unconscionable result for the citizens of Nebraska. When the Federal Government takes over an area of law and does so with the justification that uniformity must be achieved, then uniformity ought to be achieved for Nebraska consumers as well as manufacturers.

I want to make one thing clear. I do not oppose intervening to assist manufactures where a clear case has been made to do so. In fact, I cosponsored and voted in support of S. 1458, the General Aviation Revitalization Act which passed the Senate in March. What distinguishes these two bills is that with regard to general aviation, the industry was able to show trends measured over a period of time which indicated that the small plane industry was being usurped by foreign competition. In addition, the bill was very tailored in its intervention. Rather than the more scattershot approach outlined in S. 687, the general aviation bill only imposed a 15 year statute of limitation within which a person may bring suit.

A third reason why I chose not to support S. 687 at this time is that the product liability system has begun to moderate in recent years. Intervention is less compelling now than it was 4 or 5 years ago. As I mentioned before, the number of product liability cases in Federal courts, other than asbestos cases, has been decreasing in recent years, falling 40 percent between 1985 and 1990. According to the Commerce Committee's report on S. 687, the filing of tort lawsuits, which include product liability lawsuits, make up less than one percent of all cases filed in State courts, and less than 10 percent of most States' civil caseload. In addition, last Friday's New York Times contained a front page story with the headline "U.S. Juries Grow Tougher on Plaintiffs in Lawsuits." The story reported on studies that show a plaintiff's chances of winning at a product liability trial dropped to 41 percent last year from 43 percent in 1992 and 59 percent in 1989.

In short, the proponents of the bill did not make the case that such a drastic usurpation of State control is necessary. The truth is that it is very difficult, if not impossible, to predict the ramifications of this legislation, especially its potential consequences for people injured by defective products. Without a clear need to intervene I cannot support Federal intrusion into the well-established area of State law.

CLOTURE VOTE ON PRODUCT LIABILITY

Mrs. FEINSTEIN. For the record, Mr. President, I would like to provide some detail on my vote today on the second motion for cloture on S. 687, the Product Liability Fairness Act.

Last night, after the Senate first voted to deny cloture on S. 687, the bill's managers, along with Senators DORGAN, MOSELEY-BRAUN, MIKULSKI, RIEGLE and I struck what I considered the best compromise, to strike altogether provisions of S. 687 which offered a defense against punitive damages for drug and medical manufacturers dubbed the "FDA defense", and save the bill for a constructive floor debate including amendments on the other substantive issues. I also submitted an amendment that would have imposed criminal penalties on corporations that concealed serious dangers in their products from regulatory agencies. The goal of the compromise was to show willingness to improve the bill and gain enough support to permit the Senate to continue working on product liability. Opponents left no alternative but to vote for cloture to attain a chance to work on the bill.

Because the opposition was adamant about preventing any vote on amendments prior to a cloture vote, I joined several of my colleagues and voted for cloture in an effort to move forward so that amendments could be considered and approved. I hoped by invoking cloture we could ultimately strike some unfortunate provisions of the bill.

Trial lawyers and consumer advocates have raised legitimate concerns that some of the most high-profile product liability cases have been those involving drugs and medical devices, such as DES, Dalkon Shield IUDs and silicone gel breast implants, and that the FDA defense in S. 687 worked to the disadvantage of women. I believed that the best way to address that issue was to clarify the FDA defense in the ways that the Feinstein/Lieberman amendment proposed to do or to, preferably, strike the provisions from the bill altogether, if there were enough votes to do so.

Business leaders from throughout my State of California, however, impressed upon me that a level litigation playing field is important to their competitiveness and could be accomplished, in part, by uniformity and predictability in some aspects of the product liability system nationwide.

As I said yesterday on the Senate floor, this bill had provisions which were both fair and reasonable, notwithstanding the FDA defense. The 2-year statute of limitations, for example, would have allowed an injured person to bring a lawsuit 2-years after they discovered both the harm such as cancer, and its cause, such as asbestos. S. 687 would have preserved a persons' claim for a year more than currently provided in my own State of California, and would have been a big improvement over several States' statutes of limitations begin to run before a party even knows that they have been injured.

It was my fundamental belief that the competing positions on this bill could have been reconciled to create good public policy. No compromise could be reached, however, in a hostile environment where sides have staked out their position, decided to filibuster, and refused to allow a vote on every constructive amendment. Cloture under those circumstances appeared to be the only way to allow the business of the Senate to continue.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Tuesday, June 28, the Federal debt stood at $4,603,689,750,246.51. This means that on a per capita basis, every man, woman and child in America owes $17,658.21 as his or her share of that debt.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. HEFLIN. Mr. President, America and the world lost an icon and living legend on May 19 when former First Lady Jacqueline Kennedy Onassis died after a battle with cancer. Even now, over a month after her sudden passing, people everywhere are still trying to articulate what she meant to them personally and to assess her place in history. The most striking aspect of her death to me has been the tremendous outpouring of love and affection from all over the world, accompanied by descriptive terms like style, grace, elegance, dignity, and class. This remarkable woman was indeed all of these things and more, and she embodied the very best things that we like to think characterize America itself.

Of course, we don't have royalty in this country, and Jacqueline Kennedy Onassis never wanted to be our Queen. She just wanted to raise her children and live her life in her own way, pursuing the things she enjoyed and devoting herself to causes about which she felt strongly. Even decades after she left the White House, she marveled at the exalted place she occupied in the eyes of the public, once remarking to a friend that she couldn't understand why anyone would care what she did or said.

Perhaps Jackie herself didn't understand her fame, but to millions of people, she was the closest thing America has ever had to royalty, and they were intensely interested in her and everything she did. Ironically, while her celebrity was unparalleled, she could be spotted in Central Park spending quiet time with her grandchildren or strolling along the streets of Manhattan

alone. Her public, for the most part, respected her privacy, admiring her from afar.

Maybe it was her mystery that made her so appealing to so many. After leaving the White House, she gave no public interviews, wrote no memoirs, and did no talk shows. Many wished she had. But somehow it was appropriate that she remained private to the end, because that mysterious and private image is, to a large degree what made her who she was. She felt no need to involve herself in politics other than to lend her support to her family whenever they needed it. Jackie just wanted to live her life in quiet dignity, surrounded by her close friends and family.

Her children, Caroline and John, Jr., were Jackie's greatest passion, and are certainly her greatest legacy. A large part of her life over the last three and a half decades was devoted to the task of making sure her children were raised the right way. She deserves a great deal or credit for the job she did, especially since she succeeded so well in spite of the unique challenges faced by single parents. The glare of the media spotlight certainly didn't make her job any easier.

Cultural pursuits were Jackie's other great passion. She was always fascinated by the arts and literature, and for the last decade and a half of her life as a book editor in New York, she was responsible for the publication of some remarkable works. I had the privilege of working with her while she was editing former Alabama Congressman Carl Elliott's book "The Cost of Courage: The Journey of an American Congressman" a few years ago. Congressman Elliott was the first recipient of the JFK Profiles in Courage award, and she took an abiding and personal interest in his life and the sacrifices he made in the name of principle. Last December, she sent him a bouquet of flowers for his 80th birthday. Her accompanying note read, "Pretend that I'm there holding your hand because I wish I could be." In January, he received another letter from her saying how much she had enjoyed seeing a televised documentary about his life. Stories abound about such selfless and simple acts of kindness on her part. These were among her trademarks.

Jackie was an international figure, loved around the world, yet she was quintessentially American. It made us proud when she charmed DeGaulle and Khrushev. She proved to an often skeptical world that refinement and culture were not strangers to us. She spoke several languages fluently, and was treated as royalty wherever she went.

As First Lady, Jacqueline Kennedy has a unique position in a changing world. She and John Kennedy were partners in the reinvigoration of America. She brought youth, vitality, intelligence, and, of course, a new style to the White House. We owe her a great deal of thanks for restoring the White House to its place as a showplace of American design and architecture, and for working to make the Federal Government a source of support for the arts in our country. The national endowments for the arts and humanities are direct results of her efforts to enhance the place of culture and literature in our society.

It is an understatement to say that America has never known—and will probably never know again—anyone else like Jacqueline Kennedy Onassis. When she died, people who had never met her spontaneously broke into tears, unable to explain exactly why. Perhaps it was because she was our last link to "Camelot" and all that it symbolized, a living symbol of all-too-brief slice of the past during which anything seemed possible. Or perhaps it was because of the way she held the Nation together that dark weekend after her husband's tragic death. Or maybe it was that she was such an integral part of us—an American original—despite her intensely private nature.

Jackie's final resting place next to John Kennedy and the eternal flame she lit over 30 years ago is both fitting and poignant. Even though she lived over three decades after the assassination, we still feel cheated because she died so suddenly and untimely. She was active and vibrant until the very end. There was so much more that we looked forward to from this extraordinary woman, just as was the case with her husband. And yet as sad as her death was, it is somewhat fitting that she is finally reunited with him, because visitors to that special sight will now come to focus more on them as a team and what together they meant to our Nation.

They will remain symbols of hope for generations to come, and will continue to remind us of the very best things about ourselves and our country. Through her style, grace, elegance, dignity, and class in the aftermath of one of the greatest tragedies to ever befall the Nation and world, Jackie secured her rightful place in history. Her strength and determination comforted us, and taught us a great deal about ourselves. We will miss her, and will be forever grateful to her.

THE RETIREMENT OF HORACE CROUCH

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who is not only my good friend, but also my brother-in-law, Col. Horace J. Crouch.

Horace is an individual of many admirable qualities and someone who I truly hold in high esteem. His optimistic and positive outlook on life, coupled with his generous and outgoing personality, have forever endeared him to the countless number of people he has befriended over the years.

A hard-working and dedicated man, Horace has accomplished many impressive things in a life dedicated to public service. Horace's career in government began after his graduation from Clemson University, when he was commissioned into the U.S. Army as an infantry officer. He eventually earned the rank of Colonel, led troops in combat, and served as a commander in our Nation's most illustrious military unit, the 82d Airborne Division. Additionally, he became an engineer officer; learned to pilot helicopters and airplanes as his additional duty and logged more than 5,000 hours of air time; and served as a staff officer with the Office of Chief of Research and Development, Department of the Army.

After a distinguished military career of 30 years, most people would be happy to quietly enjoy their retirement; however, such a lifestyle simply did not suit a man with Horace's energy and drive and he began working at the Small Business Administration. From there, he found himself back at the Pentagon, this time serving as the Deputy Director, and later, the Director of the Office of Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense for Acquisition.

I have had the pleasure of knowing Horace and his family for almost 50 years. I married his sister, Jean Crouch, in the first year of my term as Governor of South Carolina. Jean was a beautiful and caring young woman who made an outstanding First Lady of our State. Horace also has two other siblings; a brother, residing in Frederick, MD, who is a respected and skilled Urologist; and a sister, Mrs. David Kennedy, of Williston, SC. Additionally, he and his lovely wife, the former Bernice Brown, are the proud parents of one son, J. Crouch, who is on the staff of the University of South Carolina.

Mr. President, Horace Crouch has selflessly given to this Nation throughout his whole life and never asked for anything in return. His dedication and love for the United States is above question and I only wish that there were more citizens as committed to the welfare, protection, and prosperity of this Nation as he. I know that we are all grateful for his many contributions and wish he and his family health and happiness in all their future endeavors.

TRIBUTE TO DR. MAX LENNON, PRESIDENT OF CLEMSON UNIVERSITY

Mr. THURMOND. Mr. President, for more than the past 100 years, Clemson University has played a vital role in South Carolina's higher education system. Originally chartered as an agricultural college, Clemson has grown into one of the Nation's leading academic and research institutions and is

known throughout the world for its excellent professors and programs. One man who has played an important role in Clemson's emergence as an academic leader has been Dr. Max Lennon, the university's president for the past 8 years.

During his tenure, Dr. Lennon has accomplished many great things for Clemson and has led the university into new and exciting fields. Under his direction, grant and research funding have risen considerably and the student population has reached a strong and constant level. Dr. Lennon has entered Clemson into interesting and promising partnerships with private corporations that are exploring new technologies in engineering, textiles, agriculture, and many other fields. He has also established a small business incubator designed to foster new commerce and industry in South Carolina, ensuring that our State will remain economically strong into the 21st century. Dr. Lennon has accomplished all these things without losing site of the university's primary mission, which is to provide a quality and affordable education to students from South Carolina and throughout the United States.

I also want to take a moment to recognize Dr. Lennon's very lovely and personable wife, Ruth. She assisted Dr. Lennon greatly during his years as president and was a tremendous asset to Clemson and the State.

Mr. President, regrettably, Dr. Lennon has decided to resign from the presidency of Clemson University. I know that I speak for many people, from students to other members of government, when I say that while he will be greatly missed, we will never forget the many important and worthy contributions he made to make South Carolina a better place. I wish him and his family health and happiness in all their future endeavors.

TRIBUTE TO PARKER CITY, IN

Mr. COATS. Mr. President, I rise today in honor of the 100th anniversary of the incorporation of the town of Parker City, IN. Situated in central Indiana, Parker City enjoys a rich history. Formerly known as Morristown, Parker City was laid out in November 1851. The first passenger train came through the town in 1852, and in 1872 the community's Methodist Church was built. The first gas well was drilled in 1892, and since then natural gas has played a major role in the town's development. In 1891, the name of the town was changed from Morristown to Parker. Parker was incorporated in 1894, and the name was officially changed from Parker to Parker City in 1975.

Parker City is home to a friendly community that is proud of its churches, factory, fire department, businesses, and civic organizations. Although the town limits have expanded, Parker City continues to offer a high quality of life that meets the needs of its residents and welcomes newcomers to this quaint town. Parker City represents the character and smalltown values on which our Nation was built. I congratulate the people of Parker City on their 100th anniversary.

COMMENDING OU SOONERS BASEBALL TEAM ON COLLEGE WORLD SERIES VICTORY

Mr. NICKLES. Mr. President, two weeks ago the Oklahoma Sooners did what no one believed they could do by winning the NCAA College World Series. This was accomplished with the same determination that enabled them to come from behind 25 times during the regular season, and culminating with the national title. In so doing, they became the first Big Eight team to win the College World Series since Oklahoma State in 1959. In fact, they did so convincingly. They won every game. They trailed in only one of 72 innings of the tournament. They led the series in hitting with .327; in pitching with 2.37 ERA and in defense with only five errors.

And in the final game of this relentless charge through the top teams in college baseball, the Sooners chocked up a record number of runs to beat Georgia Tech 13–5 and capture OU's first baseball championship in more than 40 years.

This is an exceptional group of athletes—an exceptional team. It is a great honor for the University and the State to be represented by these students, who truly are team players. You can't accomplish something of this magnitude without working as a team.

Chip Glass, who is a senior center fielder and was named the tournament's Most Outstanding Player, made the statement that "This was a team in the truest sense of the word. We all pulled together and did what it took to win." I admire this sort of spirit.

I understand the championship shirts the team wore following the victory were printed with the phrase "25 guys pulling on the same rope." That is essential for any victory—teamwork; pulling together. Imagine if we could apply the same principle in the U.S. States Senate, 100 Senators pulling together.

I couldn't be happier for these athletes and their coach, Larry Cochell, who has worked so hard this season, as well as the seniors, and the entire team. Five players were named to the all-tournament team and I would like to recognize them as well for their efforts: first baseman Ryan Minor, second baseman Rick Gutierrez, right fielder Darvin Traylor, pitcher Mark Redman and, again, center fielder Chip Glass.

It is not often in life when you can call yourself the very best there is. These young men have accomplished that, and I hope this taste of success creates in them a passion for excellence they will carry with them throughout their lives. Mr. Chairman, my congratulations to the team members, Coach Cochell, the OU athletic program, and the University of Oklahoma on this accomplishment.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

SECURITIES AND EXCHANGE COMMISSION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the executive session to consider Calendar No. 940, Steven Mark Harte Wallman, of Virginia, to be a member of the Securities and Exchange Commission; and I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that upon confirmation, the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on June 29, 1994, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendments of the Senate to the bill (H.R. 4454) making appropriations for the legislative branch for the fiscal year ending September 30, 1995, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. FAZIO, Mr. MORAN, Mr. OBEY, Mr. MURTHA, Mr. CARR, Mr. CHAPMAN, Mr. SABO, Mr. YOUNG of Florida, Mr. PACKARD, Mr. TAYLOR of North Carolina, and Mr. MCDADE as managers of the conference on the part of the House.

MESSAGES FROM THE HOUSE

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 4400. An act to amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes.

H.R. 4577. An act to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, as the "William H. Natcher Federal Building and United States Courthouse."

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2559. An act to designate the Federal building located at 601 East 12th Street in Kansas City, Missouri, as the "Richard Bolling Federal Building" and the United States Courthouse located at Ninth and Locust Streets, in Kansas City, Missouri, as the "Charles Evans Whittaker United States Courthouse".

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 4400. An act to amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes; to the Committee on Governmental Affairs.

H.R. 4577. An act to designate the Federal building and United States courthouse located at 242 East Main Street in Bowling Green, Kentucky, as the "William H. Natcher Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 4595. An act to designate the building located at 4021 Laclede in St. Louis, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "Marian Oldham Post Office"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-568. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION 71

"Whereas, the plight of California's missing children has become a societal dilemma that each of us shares; and

"Whereas, more than 80,000 California children disappear each year; and

"Whereas, by the end of 1993, there remained 10,455 active missing children files with the California Attorney General's office; and

"Whereas, while missing children include those who are abducted by estranged family members and strangers, they also include lost children, throwaways, and runaways; and

"Whereas, each year more families are forced to live their lives while a beloved child is lost or missing; and

"Whereas, in the names of Amanda Campbell, Kevin Collins, Jaycee Lee Dugard, Rasheeyda Wilson, and countless other California children whose names and faces are remembered each night by their families; and

"Whereas, we must work toward heightened awareness because one person may hold the key to finding a missing child; and

"Whereas, the sharing of information on missing children may help enhance the possibility of recovering California's missing children; and

"Whereas, if there is to be an end to the plight of missing children, then it must start with us in government: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to commit to the pursuit of policies that will protect children and punish those who harm them; and be it further

"*Resolved*, That the Legislature condemns any crimes against children causing emotional or physical abuse or death; and be it further

"*Resolved*, That the Legislature, sharing a common concern for children, establish April 17, 1994, through April 23, 1994, and the third week in April each year thereafter, as California Missing Children's Week; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-569. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL 94-2

"Whereas, an amendment to the United States Constitution previously introduced in Congress seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

"Whereas, the amendment states that: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes": Now, therefore, be it

"*Resolved by the Senate of the Fifty-ninth General Assembly of the State of Colorado, the House of Representatives concurring herein*, That the General Assembly strongly urges the Congress of the United States to pass, prepare, and submit to the several states this amendment to the Constitution of the United States, and be it further

"*Resolved*, That the General Assembly also proposes that the legislatures of each of the several states, which have not yet made similar applications, apply to the Congress requesting enactment of an appropriate amendment to the United States Constitution, and be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States, Speaker of the House of Representatives Thomas S. Foley, Senate Majority Leader George Mitchell, House Majority Leader Richard Gephardt, Senate Minority Leader Robert Dole, House Minority Leader Robert H. Michel, each member of the Colorado congressional delegation, and the presiding officers of each house of the legislatures of the several states."

POM-570. A resolution adopted by the House of the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE RESOLUTION 94-1008

"Whereas, on April 16, 1994, the state of Colorado was honored by a visit from a distinguished and decorated Vietnamese war hero, Major Nguyen Quy An, sho saved the lives of four American airmen; and

"Whereas, Major Nguyen Quy An was a flight leader and aircraft commander in the 219th squadron, 41st wing, of the Vietnamese Air Force in January of 1969; and

"Whereas, on the 17th day of January of that year Major An was called upon to infiltrate deep into enemy-held territory to insert a platoon of special forces personnel into a bomb crater landing zone; and

"Whereas, on approach, Major An's helicopter and his cargo of troops were ambushed by heavy enemy artillery fire but he courageously continued his mission; and

"Whereas, during the increasingly dangerous maneuver, a nearby United States Army helicopter was severely hit in the fuel cell by a heavy caliber round of fire while climbing from a jungle clearing; and

"Whereas, Major An, in high orbit, sighted the burning American helicopter and immediately made a risky, high-speed dive toward the stricken craft; and

"Whereas, Major An, with complete disregard for his own safety, closed in on the craft, radioed the crew, and guided them to a safe landing in a jungle clearing a short distance from the Ho Chi Minh Trail, heavily infiltrated with North Vietnamese soldiers; and

"Whereas, Major An landed his own craft in the same clearing and waited for the four U.S. airmen to find their way through the jungle to his craft and flew the four men to safety; and

"Whereas, Major Nguyen Quy An's quick thinking and brave action while surrounded by danger on behalf of the four American airmen represent a courageous demonstration of selfless heroism; and

"Whereas, Major Nguyen Quy An was decorated with the award of the distinguished flying cross by the United States for his outstanding heroism; and

"Whereas, in another demonstration of courage and heroism, Major An lost both arms when his helicopter was shot down during a subsequent combat mission; and

"Whereas, Major An has sought refugee status in the United States but has been refused because he did not serve a sufficient

length of time in a forced-labor camp to qualify for the program designed to assist Vietnamese who were severely punished for siding with the United States during the Vietnam War; and

"Whereas, it is fitting to honor Major Nguyen Quy An, to recognize his courageous and valuable contribution to the United States, and to come to the aid of Major An in his efforts to become a citizen of the United States: Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado:*

"(1) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, commend Major Nguyen Quy An for his great skill, courage, and valor in saving the lives of four American pilots during the Vietnam War; and

"(2) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, hereby petition the Congress of the United States to enact legislation which would grant United States citizenship to Major Nguyen Quy An; and

"(3) That we, the members of the House of Representatives of the General Assembly of the State of Colorado, hereby petition the immigration and naturalization service of the United States department of justice to grant United States citizenship to Major Nguyen Quy An, and be it further

"*Resolved*, That copies of this Resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to each member of Congress from the State of Colorado, and to the Immigration and Naturalization Service of the United States Department of Justice."

POM-571. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 94-1007

"Whereas, a bill has been introduced in the Congress of the United States to admit the city of Washington, D.C., as the nation's fifty-first state; and

"Whereas, paragraph 17 of Section 8 of Article I of the United States Constitution provides that the nation's capital shall be formed from territory voluntarily ceded by particular states to the federal government for that specific purpose; and

"Whereas, the city of Washington, D.C., is composed of territory ceded by the state of Maryland for the specific purpose of forming the nation's capital; and

"Whereas, section 3 of Article IV of the United States Constitution forbids the formation of a new state erected within the jurisdiction of any other state, out of the territory of any single state, or the junction of two or more states without the consent of the legislatures of the state concerned; and

"Whereas, the state of Maryland has never consented to the use of its former territory for the formation of the proposed state of New Columbia; and

"Whereas, the ninety-fifth Congress, in proposing a constitutional amendment granting Washington, D.C., congressional representation on par with the several states, recognized the unconstitutionality of statehood absent a constitutional amendment; and

"Whereas, the several states rejected the proposed amendment granting the city of Washington, D.C., statehood; Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That the General Assembly respectfully urges the President and Congress of the United States to recognize the constitutional amendment process as the only legal method of admitting the city of Washington, D.C., to the union as a state and to reject any other form of legislation that purports to achieve that goal, and be it further

"*Resolved*, That copies of this resolution be sent to the President and Vice President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each Senator and Representative from Colorado in the Congress of the United States."

POM-572. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION 94-1026

"Whereas, there is continuing controversy concerning the presence of American servicemen who were listed as prisoners of war or missing in action being held against their will in the southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly known as Cambodia); and

"Whereas, the United States government has stated that all of our prisoners of war have been returned from Vietnam; and

"Whereas, Vietnamese reports by General Tran Von Kwong, deputy chief of staff for the North Vietnamese army, reported that in September of 1972, Hanoi held one thousand five American prisoners; and

"Whereas, only five hundred ninety-one American prisoners of war have been released under the 1973 peace settlement; and

"Whereas, Vietnamese nationals who have moved to the United States have reported the appearance of American prisoners of war still being held against their will in southeast Asia; and

"Whereas, the President of Russia let it be known that the Soviet Union took American servicemen during the Vietnamese war into Russia and there is no adequate explanation concerning the whereabouts of these servicemen; and

"Whereas, there are still hundreds of documents in the possession of the United States department of defense that have not been released to the public regarding the fate of American servicemen classified as prisoners of war or missing in action; and

"Whereas, there are forty missing and unaccounted for servicemen from Colorado in southeast Asia; and

"Whereas, the United States government has not entered into formal negotiations with the governments of Laos and Kampuchea concerning the release of American prisoners of war who were taken by the Communist forces during the Vietnam war; and

"Whereas, the Paris Peace Accord is now twenty years old and any national security secrets regarding the technology that was used during the war would now be outdated; and

"Whereas, the constitutional rights of any Americans who are still held against their will in southeast Asia as a result of the Vietnam war are being violated by virtue of their captivity; and

"Whereas, Americans highly prize and value their constitutional rights; and

"Whereas, the United States supreme court is the last bastion that an American has for redress of grievances and protection of constitutional rights against the government; and

"Whereas, the United States constitution, in article III, section 2(2), states that:

"(2) Jurisdiction of supreme court. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. . . .'"; Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That the general assembly hereby urges the attorney general, jointly with all other states that have declared their support for this cause, to file an action on behalf of the people of the state of Colorado in the United States supreme court against the government of the United States, including the United States Department of Defense and the Central Intelligence Agency, and against the ambassadors or other public ministers and consuls of the governments of Vietnam, Laos, Kampuchea, Russia, and China, alleging violations of the constitutional rights of the following named servicemen from Colorado:

Name	Service branch	Home town
Anselmo, William F	Air Force	Denver.
Apodaca, Victor J. Jr	Air Force	Englewood.
Barber, Thomas D	Navy	Aurora.
Berry, John A	Army	Naturita.
Boston, Leo S	Air Force	Cañon City.
Brownlee, Charles R	Air Force	Alamosa.
Corbitt, Gilland W	Air Force	Denver.
Danielson, Mark G	Air Force	Rangely.
DeHerrera, Benjamin D	Army	Colorado Springs.
Donovan, Leroy M	Army	Cedaredge.
Gilchrist, Robert M	Air Force	Littleton.
Green, Gerald	Navy	Fort Morgan.
Hamm, James E	Air Force	Longmont.
Hanratty, Thomas M	Marine Corps	Beulah.
Hansen, Lester A	Army	Pueblo.
Helwig, Roger D	Air Force	Colorado Springs.
Hrdlicka, David L	Army	Littleton.
Jacques, James J	Marine Corps	Denver.
Jefferson, Perry H	Air Force	Denver.
Kemp, Clayton C III	Navy	Wheat Ridge.
Kohler, Delvin L	Navy	Kersey.
Lavoo, John A	Marine Corps	Pueblo.
Ladewig, Melvin E	Air Force	Englewood.
Leeper, Wallace M	Army	Wellington.
Martin, Duane W	Army	Denver.
McVey, LaVoy D	Marine Corps	Lamar.
Mitchell, Thomas B	Army	Littleton.
Morgan, Burke H	Air Force	Manitou Springs.
Mullins, Harold E	Air Force	Denver.
Packard, Ronald L	Air Force	Cañon City.
Pawlish, George F	Navy	Las Animas.
Ralston, Frank D III	Air Force	Denver.
Shafer, Philip R	Navy	Grand Junction.
Silva, Claude A	Army	Monte Vista.
Simpson, Joseph L	Army	Denver.
Steadman, James E	Air Force	Fort Collins.
Stearns, Roger H	Air Force	Boulder.
Swanson, Jon E	Army	Denver.
Tucker, Timothy M	Air Force	Las Animas.
Walker, Bruce C	Air Force	Pueblo.

"*Be it further resolved*, That the attorney general, in filing the lawsuit, should demand that the United States Department of Defense, the United States Central Intelligence Agency, and the governments of Vietnam, Laos, Kampuchea, Russia, and China deliver all documents concerning prisoners of war and persons missing in action in Vietnam, Laos, and Kampuchea to the attorney general, and be it further

"*Resolved*, That the government of every state in the United States of America is encouraged to join in the cause of action on behalf of each state and on behalf of the citizens of each state who are being held in captivity in southeast Asia, and be it further

"*Resolved*, That a copy of this resolution be transmitted to the Attorney General of the state of Colorado, the Clerk of the United States Supreme Court, the President and Vice-president of the United States, the Speaker of the United States House of Representatives, the members of the Colorado congressional delegation, and the clerk of each chamber of every state legislature."

POM–573. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION

"Whereas, on September 25, 1789, the First Congress of the United States convened in New York, New York, and proposed an amendment to the Constitution of the United States stipulating that any change in the compensation of members of the Congress of the United States be delayed in taking effect until an election of the United States House of Representatives has intervened; and

"Whereas, this particular constitutional amendment was, pursuant to Article V of the United States Constitution, submitted by the First Congress to the state legislatures for ratification with no deadline on its consideration; and

"Whereas, the United States Supreme Court, in the landmark case of *Coleman* vs. *Miller*, held that Congress itself is the final arbiter of whether too great a time has elapsed between Congress' submission of a specific constitutional amendment and the ratification of that amendment by the legislatures of at least three-fourths of the states; and

"Whereas, on May 7, 1992, the Legislature of the State of Michigan became the thirty-eighth state to approve this two-hundred-and-four-year-old constitutional amendment meeting the requirement that it be ratified by three-fourths of the fifty states; and

"Whereas, on May 18, 1992, the Archivist of the United States did cause to be published in the *Federal Register* of the following day the conclusion that, having been duly ratified by the legislatures of at least three-fourths of the several states, the two-hundred-and-four-year-old constitutional amendment had officially become a part of the United States Constitution as its Twenty-seventh Amendment; and

"Whereas, on May 20, 1992, both the United States Senate and the United States House of Representatives, by roll-call votes, adopted resolutions concurring with the conclusion of the Archivist of the United States; and

"Whereas, the people of the State of Hawaii are in agreement with their fellow Americans in the forty-two other sovereign states that this two-hundred-and-four-year-old constitutional amendment is a proper addition to the United States Constitution and it is important that Hawaii's unique imprint be placed upon it; Now, therefore, be it.

"*Resolved by the House of Representatives of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1994, the Senate concurring*, That the Twenty-seventh Amendment to the United States Constitution which reads as follows:

"Twenty-seventh Amendment—No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." is hereby ratified by the Legislature of the State of Hawaii; and be it further

"*Resolved*, That certified copies of this Concurrent Resolution be transmitted to each member of Hawaii's congressional delegation; to the Archivist of the United States; to the Vice-President of the United States, as presiding officer of the United States Senate; and to the Speaker of the United States House of Representatives' and be it further

"*Resolved*, That the Vice-President and the Speaker of the U.S. House of Representatives be respectfully requested to officially enter this Concurrent Resolution in the CONGRESSIONAL RECORD."

POM–574. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION 5031

"Whereas, there is continuing controversy concerning the presence of American servicemen, who were listed as Prisoners of War (POWS) or Missing in Action (MIAS), being held against their will in the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

"Whereas, the United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

"Whereas, a recent top secret Vietnamese report, dating from 1972 reported that in September of 1972, Hanoi held 1,205 American prisoners; and

"Whereas, only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

"Whereas, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

"Whereas, there are still many unreleased documents in the United States Defense Department concerning the fate of American servicemen classified as Prisoners of War or Missing in Action; and

"Whereas, there are thirty-four missing and unaccounted for servicemen in Southeast Asia from Kansas: John Quincy Adam, (Bethel); Frankie Eugene Allgood, (Fort Scott); Denis Leon Anderson, (Hope); Steven Henry Bennefeld, (Girard); Michael Hugh Breeding, (Blue Rapids); David Marion Christian, (Lane); Richard Ames Claflin, (Kansas City); Michael L. Donovan, (Norton); Thomas Eldon Gillen, (Kingman); Dennis L. Graham, (Greensburg); Patrick K. Harrold, (Fort Leavenworth); Jerry Wayne Hendrix, (Wichita); Charles L. Hoskins, (Roeland Park); Eugene M. Jewell, (Topeka); Dean Albert Klenda, (Manhattan); Kurt Elton LaPlant, (Lenexa); John Carl Lindahl, (Lindsborg); George Wendell Long, (Medicine Lodge); Glenn DeWayne McCubbin, (Almena); William D. McGonigle, (Wichita); Bobby Lyn McKain, (Garden City); William R. Moore, (Princeton); Richard Lynn Mowrey, (Prairie Village); Fred Albert Neth, (Fort Scott); Ward Karl Patton, (Fontana); Dennis Gerald Pugh, (Salina); Ronald James Schultz, (Hillsboro); Richard D. Smith, (Wichita); Robert L. Standerwick, (Mankato); Frederick John Sutter, (Leawood); William Joseph Thompson, (Kansas City); John Mark Tiderman, (Kansas City); Larry Don Welsh, (Kansas City); and Joseph A. Zutterman, Jr., (Marysville); and

"Whereas, the inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

"Whereas, the United States Constitution, in Article III, section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsels, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction": Now, therefore, be it

"*Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we hereby request the Kansas Attorney General to determine the merits of joining with attorneys general of other states in an action against the United States government, and also against the Ambassadors or other Public Ministers and Consuls of the governments of Vietnam, Laos, Kampuchea, Russia and China, to obtain information about Kansas POWS/MIAS in Southeast Asia and to recommend to the legislature whether to join in such action; and be it further

"*Resolved:* That the Secretary of State be directed to send copies of this resolution to the Kansas Attorney General; the United States Supreme Court; the President of the United States; the Speaker of the United States House of Representatives; the President of the United States Senate; the members of the Kansas congressional delegation and the clerks of the respective Houses and Senates of our 49 sister states."

POM–575. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 21

"Whereas, the states of the United States are separate sovereignties united in a federal system; and

"Whereas, unfunded mandates imposed by the federal government upon the states and their subdivisions require state and local governments to spend money, which, in effect, taxes states and localities; and

"Whereas, the Congressional Budget Office has estimated that the cumulative cost of new mandates imposed on state and local governments between 1983 and 1990 is between $8.9 billion and $12.7 billion; and

"Whereas, President Clinton has recognized the magnitude of this growing problem for the states through the issuance of Executive Order 12875 *Enhancing the Intergovernmental Partnership*, which states that "the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of state, local, and tribal governments"; and

"Whereas, Executive Order 12875 calls on federal agencies to reduce federal mandates to the extent possible under federal law; and

"Whereas, Executive Order 12875 was much appreciated by state and local governments but does not address the primary cause of unfunded federal mandates contained in existing and new federal laws; and

"Whereas, unfunded federal mandates eliminate or reduce the ability of state and local governments to improve vital public safety services such as police and fire protection, jail and prison space, and efficient and swift criminal justice through properly funded courts and public defender systems; and

"Whereas, unfunded federal mandates eliminate or reduce the ability of state and local governments to improve funding and quality of education provided to our children, a primary state responsibility; and

"Whereas, in Missouri alone, unfunded federal mandates for just the medicaid program have consumed nearly $600 million in state funds since Fiscal Year 1991; and

"Whereas, unfunded federal mandates cost the state of Missouri between $75 million and $100 million in new state funds each year, an amount equal to half of the general revenue growth available to the state; and

"Whereas, unfunded mandates undercut the accountability that is fundamental in our democratic system by allowing federal decision makers to establish programs and set policies: Now, therefore, be it

"*Resolved by the Missouri Senate of the Eighty-seventh General Assembly, the House of Representatives concurring therein*, That the Missouri General Assembly hereby proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and further requests the Congress to prepare and submit to the several states before January 1, 1996, an amendment to the Constitution of the United States to

prohibit the federal government from requiring states to pay the cost of new or increased programs or activities, which are commonly referred to as "unfunded federal mandates"; and be it further

"*Resolved*, That if, by January 1, 1996, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to prohibit unfunded federal mandates; and be it further

"*Resolved* That effective January 1, 1996, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter, then this application for petition for the Constitutional convention shall no longer be of any force or effect; and be it further

"*Resolved*, That this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to the specific and exclusive purpose of providing for an amendment to the Constitution to prohibit unfunded federal mandates; and be it further

"*Resolved*, That this body also proposes that the legislatures of each of the several states comprising the United States, which have not yet made similar applications, apply to the Congress requesting enactment of an appropriate amendment to the federal Constitution, and make application to the Congress to call a Constitutional convention for the purpose of proposing such an amendment to the federal Constitution; and be it further

"*Resolved*, That upon signing by the Governor of this concurrent resolution, copies of this resolution be sent by the Secretary of the Senate to each member of the Missouri Congressional delegation, to the Secretary of State and Presiding Officers of both houses of the legislatures of each of the other states in the union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and the President of the United States."

POM–576. A concurrent resolution adopted by the Legislature of the State of Missouri; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION 14

"Whereas, scientific and medical studies show marijuana to be of medical value in the treatment of glaucoma and in easing the debilitating side effects of anti-cancer treatments; and

"Whereas, courts have recognized marijuana's medical benefits in the treatment of these diseases; and

"Whereas, several states have enacted and Governors have signed, laws acknowledging these benefits. They have further sought to establish compassionate programs of medical access to marijuana; and

"Whereas, several states have through their various offices and agencies, made a good faith effort to allow individuals to obtain marijuana for medical applications; and

"Whereas, federal agencies have, through regulation and policies, made it difficult to obtain marijuana for medical purposes; and

"Whereas, glaucoma and cancer patients, promised medical access to marijuana under the laws of the United States, are being deprived of such access by federal agencies: Now, therefore, be it

"*Resolved by the Missouri Senate, the House of Representatives concurring therein* that the Missouri General Assembly hereby respectfully memorialize the United States Congress to become informed of these difficulties, and to investigate and hold public hearings into federal policies which prohibit marijuana's legitimate medical use; and be it further

"*Resolved*, That the Congress of the United States seeks to remedy federal policies which prevent the several states from acquiring, inhibit physicians from prescribing, and prevent patients from obtaining marijuana for legitimate medical applications, by ending federal prohibitions against the legitimate and appropriate use of marijuana in medical treatments; and be it further

"*Resolved*," That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Missouri Congressional Delegation."

POM–577. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on the Judiciary.

"HOUSE CONCURRENT RESOLUTION 22

"Whereas, members of Congress from every state have risen to obtain from public funds benefits, perquisites, salaries and security beyond the reach of the common citizen; and

"Whereas, the obtaining of these benefits has not been with the consent of the governed; and

"Whereas, the members of Congress have passed laws which are the law of the land for the common citizen, but which do not apply to Congress; and

"Whereas, the record of the proceedings of Congress may be altered by members of Congress to cast members in a less baleful light; and

"Whereas, the proceedings of Congress can be made so tortuous as to confound the common citizen and allow members of Congress to avoid responsibility for their actions; and

"Whereas, in matters of election campaign reform, ethics and regard for the common good of these United States, Congress as a body has shown itself to be beyond the control of the people of these United States: Now, therefore, be it

"*Resolved by the House of Representatives, the Senate concurring*, That we, the members of the general court of the state of New Hampshire, do hereby call upon Congress to amend the Constitution to allow the people of the United States to set meaningful limits on campaign spending, to approve congressional benefits, perquisites and salaries, and to require Congress to keep unalterable, true records of its proceedings;

"That we, the members of the general court of the state of New Hampshire, do hereby call upon our sister states to join us in this call; and

"That copies of this resolution be transmitted by the clerk of the house to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation."

POM–578. A resolution adopted by the Senate of the Legislature of the State of New York; to the Committee on the Judiciary.

"LEGISLATIVE RESOLUTION

"Whereas, unfunded mandates by the United States Congress and the Executive Branch of the federal government increasingly strain already-tight state government budgets if the states are to comply; and

"Whereas, to further compound this assault on state revenues, federal District Courts, with the blessing of the United States Supreme Court, continue to order states to levy or increase taxes to supplement their budgets to comply with federal mandates; and

"Whereas, the Courts' actions are an intrusion into a legitimate legislative debate over state spending priorities and not a response to a constitutional directive; and

"Whereas, the Constitution of the United States of America does not allow, nor do the states need, judicial intervention requiring tax levies or increases as solutions to potentially serious problems; and

"Whereas, this usurpation of legislative authority begins a process that over time could threaten the fundamental concept of separation of powers that is precious to the preservation of the form of our government embodied by the Constitution of the United States of America; and

"Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which reads as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes.": Now, therefore, be it

"*Resolved*, That this Legislative Body respectfully requests and petitions the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States of America to restrict the ability of the United States Supreme Court or any inferior court of the United States or mandate any state or political subdivision thereof to levy or increase taxes; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, Senator Daniel P. Moynihan, Senator Alfonse M. D'Amato and the members of the New York State Congressional Delegation."

POM–579. A resolution adopted by the Senate of the General Assembly of the State of North Carolina; to the Committee on the Judiciary.

"SENATE RESOLUTION 1625

"Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and defining other societal standards; and

"Whereas, certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of other citizens; and

"Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are worthy of protection from desecration and dishonor; and

"Whereas, the American flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, a nation that remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas, the law as interpreted by the United States Supreme Court no longer accords the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration of the Stars and Stripes to a proper station under law and decency: Now, therefore, be it

"*Resolved by the Senate:*

"Section 1. The Senate respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

"Sec. 2. The Principal Clerk of the Senate shall transmit a certified copy of this resolution to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, and to each member of the North Carolina congressional delegation.

"Sec. 3. This resolution is effective upon adoption."

POM–580. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 372

"Whereas, in a five-to-four decision on April 18, 1990, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds; and

"Whereas, in *Missouri* v. *Jenkins* (110 Sup. Ct. 1651 (1990)), the U.S. Supreme Court held that a federal court had the power to order an increase in state and local taxes; and

"Whereas, this unprecedented decision violates the fundamental tenet of separation of powers: the federal judiciary, who serve for life and who are answerable to no one, should not have control over the power of the purse; and

"Whereas, in response to this decision, several members of Congress have introduced a constitutional amendment to re-establish a principle that has been well-settled: Judges do not have the power to tax; and

"Whereas, the passage of such constitutional amendment (first by a two-thirds (⅔) majority in both houses of Congress and then by three-fourths (¾) of the several states' legislatures or conventions) would serve not only to reverse an unfortunate decision, but also to reassert the legislature's constitutional role in maintaining a strong tripartite system of government, a system in which each of the branches is constrained by the others; and

"Whereas, such proposed constitutional amendment is a long overdue response to a federal judiciary that, in the pursuit of seemingly good ends, fails to recognize the constitutional limits on its power; and

"Whereas, in addition to being introduced in the U.S. Congress such constitutional amendment has also been proposed by several states; and

"Whereas, the test of such proposed constitutional amendment reads: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision, to levy or increase taxes"; and

"Whereas, such amendment seeks properly to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes: Now, therefore, be it

"*Resolved by the Senate of the Ninety-Eighth General Assembly of the State of Tennessee, the House of Representatives Concurring,* That this General Assembly hereby memorializes the U.S. Congress to propose and submit to the several states for ratification no later than January 1, 1995, an amendment to the Constitution of the United States, the text of which amendment shall read:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes", and be it further

Resolved, That this Body calls upon each Tennessean serving in the U.S. Senate and the U.S. House of Representatives to utilize immediately the full measure of his or her resources and influence in order to ensure the passage of such amendment to the Constitution of the United States, which provides that no court shall have the power to levy or increase taxes, and be it further

Resolved, That this General Assembly also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar requests apply to the U.S. Congress requesting enactment of such amendment to the United States Constitution, and be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Secretary of State and to the presiding officer and minority party leader in each house of the legislature of the several states comprising the Union; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee delegation to the U.S. Congress."

POM–581. A resolution adopted by the Legislature of Clinton County, New York relative to base closures; to the Committee on Labor and Human Resources.

POM–582. A joint resolution adopted by the Legislature of the State of Colorado to the Committee on Labor and Human Resources:

"HOUSE JOINT RESOLUTION 94–1005

"Whereas, it is imperative that patients and consumers of health care services be brought back into the financial equation if the cost of providing such services is to be brought under control; and

"Whereas, patients and consumers will reduce health care costs if they are allowed to benefit from prudent individual spending decisions and if they use pre-tax dollars to establish individual medical accounts or individual medical savings accounts; and

"Whereas, it is important to preserve the excellent quality of American medicine by giving Americans the freedom to choose their own health care provider and not limiting their choice to employer- or government-designed health benefit packages: Now, therefore, be it

"*Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Colorado, the Senate concurring herein:* That we, the members of the Colorado General Assembly, hereby urge the members of the United States Congress to consider programs to encourage and facilitate the use of individual medical savings accounts, which will enable Americans to plan for their future health needs, and be it further

"*Resolved,* That copies of this Resolution be sent to the President of the United States, the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, and each Member of Congress from the State of Colorado."

POM–583. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"SENATE CONCURRENT RESOLUTION 48

"Whereas, senior managers in the Office of Regulatory Affairs of the Food and Drug Administration have proposed restructuring field laboratories to close ten district laboratories, including the lab in New Orleans, in favor of five large general laboratories and four special purpose laboratories; and

"Whereas, while ostensibly this proposal is made to improve efficiency, lower cost, and upgrade service, analysis of the facts do not support such a result emanating from the closure of the New Orleans lab; and

"Whereas, the New Orleans lab is staffed by experienced and dedicated scientists whose expertise, particularly in the problems inherent in the Gulf Coast region, would be lost having an adverse impact on the level of consumer health and safety protection; and

"Whereas, over the years the FDA lab in New Orleans has played a vital role in investigating a broad range of health and consumer problems in the area such as fish kills, crises intervention during water disasters, contaminated farm animal feed, investigating grain elevator explosions, monitoring food, feed, and water during hurricanes, training seafood industry people in industry standards, and numerous other examples; and

"Whereas, New Orleans, as one of the nation's largest ports located on the nation's busiest river is extraordinarily well situated for the provision of the most efficient, effective, and useful service; and

"Whereas, the New Orleans FDA lab is not outmoded and an advisory committee of working analysts recommended against its closure; and

"Whereas, no demonstration has been made that throwing away the expertise, experience, and good work of a district lab such as New Orleans in order to undertake the construction, equipping and staffing of new facilities is necessary or even a good idea: Therefore, be it

"*Resolved,* That the Legislature of Louisiana memorializes the Congress of the United States to take whatever steps are necessary to prevent the closure of the federal Food and Drug Administration's New Orleans District Laboratory, and be it further

"*Resolved,* That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana congressional delegation."

POM–584. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Labor and Human Resources.

"SENATE CONCURRENT RESOLUTION 108

"Whereas, the office of elderly affairs in the office of the Governor is the single-point manager for the state in administering the Older Americans Act of 1965; and

"Whereas, the Louisiana Executive Board of Aging is the state board responsible for setting forth policies and procedures used by the office of elderly affairs to ensure compliance with the Older Americans Act of 1965; and

"Whereas, the Intrastate Funding Formula as proposed in Notice of Proposed Rulemaking (NPRM) 45 CFR Part 1321 represents

a policy action requiring Louisiana Executive Board of Aging approval as a condition precedent to soliciting formal approval from the Administration on Aging; and

"Whereas, the Louisiana Executive Board on Aging strongly believes that if the proposed notice is approved it will generate a statewide catastrophic impact on the current effective delivery system of services to the elderly; and

"Whereas, it is further believed that the capital outlay and professional workforce at many area agencies will become surplus due to a massive out-shifting of funds; other area agencies will be forced to make new investments in capital outlay and train new employees generated by a massive in-shifting of funds; therefore, the entire exercise triggered by the pending notice is non-cost effective; and

"Whereas, low-income minority elderly are entitled to the same level of services from each area agency on aging as required by the Older Americans Act of 1965 in lieu of a selected fifty-one percent; and

"Whereas, the guidelines in the pending notice exceed the requirements of the Older Americans Act of 1965: Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to give states more flexibility in the Intrastate Funding Formula process and to recognize the autonomy of each state and their unique problems in providing services to the elderly in accordance with the Older Americans Act of 1965, and be it further

"*Resolved*, That the Legislature of Louisiana requests states be permitted to apply the formula in a manner to address problems unique to each state at the state level; to continue using existing capital investments and trained personnel; to support the concept that all low-income elderly persons are entitled to equal levels of service from all area agencies; and to prevent the decimation of many parish entities with resultant catastrophic adverse effects on needy elderly, and be it further

"*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana congressional delegation."

POM-585. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Indian Affairs.

"HOUSE CONCURRENT MEMORIAL 2006

"Whereas, the economy, health and general welfare of the people and the state of Arizona depend upon a secure and stable supply of water; and

"Whereas, efforts are currently under way in the state of Arizona to quantify and validate thousands of claims to the use of waters of the state; and

"Whereas, the Indian communities in the state of Arizona assert claims to the rights to large quantities of water; and

"Whereas, the settlement and quantification of the Indian communities' claims to water are of great importance to the economy, health and general welfare of the members of the Indian communities in Arizona; and

"Whereas, the United States, as trustee for the Indian communities of the state of Arizona, plays a vital role in the negotiations and settlements of the Indian communities' claims to water; and

"Whereas, water delivered by the Central Arizona Project has been a key component of water rights settlements already finalized for certain Indian communities in Arizona; and

"Whereas, under the Leavitt Act (47 Stat. 564, 25 United States Code section 386a), the collection of all construction costs against any Indian-owned lands within any federal irrigation project is deferred; and

"Whereas, current federal policy has facilitated these finalized settlements by allowing Central Arizona Project water allocated to Indian-owned lands, but leased for use by non-Indians, to be free of the capital costs normally associated with use of Central Arizona Project water by non-Indians; and

"Whereas, a change in federal policy requiring lessors of Central Arizona Project water allocated to Indian communities to pay capital costs normally associated with non-Indian use of Central Arizona Project water would hinder further settlement of claims to water rights by Arizona Indian communities.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the President of the United States instruct the United States Attorney General and the Secretary of the Interior to make the settlement of outstanding water rights claims by the Indian communities of Arizona a priority of their respective departments.

"2. That the United States Congress take whatever actions are necessary, including the authorization of funds, to facilitate the passage and finalization of any negotiated settlements to the Indian communities' outstanding water rights claims.

"3. That the President and Congress of the United States facilitate settlement of outstanding water rights claims by the Indian communities of Arizona by maintaining the current policy of allowing Central Arizona Project water allocated to Indian-owned lands, but leased for use by non-Indians, to be free of the capital costs normally associated with use of Central Arizona Project water by non-Indians.

"4. That the Secretary of state of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the United States Attorney General, the United States Secretary of the Interior and to each Member of the Arizona Congressional Delegation."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2956. A communication from the Comptroller General of the Department of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-4; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 234: A resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

S.J. Res. 204: A joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Michael Nacht, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2000;

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1994;

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Michael Marek, of Illinois, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years;

Jeffrey Rush, Jr., of Virginia, to be Inspector General, Agency for International Development (New Position);

Ernest Gideon Green, of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1995;

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Lawrence Scheinman, of New York, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Amy Sands, of California, to be an Assistant Director of the United States Arms Control and Disarmament Agency; and

David M. Ransom, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: David M. Ransom.

Post: American Embassy, Bahrain.

Contributions, amount, date, donee:

1. Self, David M. Ransom, zero.

2. Spouse, Marjorie A. Ransom, zero.

3. Children and spouses names, Elizabeth, zero; Katherine, zero; Sarah, zero.

4. Parents names, Clifford F. Ransom II, deceased; Inez N. Ransom, deceased.

5. Grandparents name, Fredic and Anna Ransom, deceased; Lockridge and Mina Green, deceased.

6. Brothers and spouses names, Clifford F. Ransom II (no spouse), zero.

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7. Sisters and spouses names, no sisters.

Joseph Edward Lake, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Joseph Edward Lake.

Post: Ambassador to Albania.

Contributions, amount, date, donee:

1. Self, Joseph E. Lake, none.

2. Spouse, Jo Ann K. Lake, none.

3. Children and spouses names, Joseph E. Lake, Jr., and Susan Fawcett Lake, none. Mary Elizabeth Lake, none; Michael Allen Lake, none.

4. Parents names, Dr. Lloyd E. Lake, Sr., deceased. Marion Marie Allen Lake, deceased.

5. Grandparents name, Joseph Marhal Lake, deceased. Pernita F. Bailey Lake, deceased.

6. Brothers and spouses names, Dr. Lloyd E. Lake, Jr., and Betty Jane Dudley Lake, $200, 1992, Hutchison for Senator.

7. Sisters and spouses names, none.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ronald E. Neumann.

Post: Algiers.

Contributions, amount, date, donee:

1. Self, Ronald E. Neumann, none.

2. Spouse, Margaret Elaine Neumann, none.

3. Children and spouses names, Brian D. Neumann, none; Helen D. Neumann, none.

4. Parents names, Robert and Marlen Neumann, 1994 None.

1993:

$140, National Republican Congressional Committee.

$140, Republicans for Choice.

$100, Republican National Committee.

$25, Montgomery Republican Fund.

$25, Republican Party of Montgomery County.

1992:

$500, Republican Campaign Council.

$100, Bush-Quayle Primary Committee.

$100, Tom Campbell for U.S. Senate.

$125, National Republican Congressional Committee.

$100, Republicans for Choice State Fund.

$25, Conservative Republican Committee.

$25, Montgomery County Republican Fund.

$150, Spiro for Congress.

$40, Handgun Control (PAC).

1991:

$500, Republican National Committee.

$125, National Republican Congressional Committee.

$25, Reagan Appointee Alumni Association.

$100, Republican Campaign Council.

$80, California Republican Party.

$40, Republicans for Choice.

$50, Fund for a Conservative Majority.

$50, Handgun Control (PAC).

$25, Conservative Republican Committee.

1990:

$500, Republican National Committee.

$50, Citizens for Bush.

$50, Bush Presidential Dinner.

$65, California Republican Party.

$75, Committee to Re-elect Tom Campbell.

$225, National Republican Congressional Committee.

$100, Ronald Reagan Presidential Foundation.

$50, Handgun Control (PAC).

$80, Fund for a Conservative Majority.

5. Grandparents names, Mark and Helen Eldredge, deceased. Hugo and Stephanie Neumann, deceased.

6. Brothers and spouses names, Gregory and Leonica Neumann, none.

7. Sisters and spouses names, Marcia Neumann, deceased.

Mary Ann Casey, of Colorado, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Mary Ann (NMI) Casey.

Post: U.S. Ambassador to Tunisia.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, (I am single).

3. Children and spouses names, N/A.

4. Parents names, Frank J. Casey, deceased 1983; Anna V. Casey, none.

5. Grandparents names, my last surviving grandparent died in 1962.

6. Brothers and spouses names, Michael J. Casey, none; Frank J. Casey, none.

7. Sisters and spouses names, no sisters.

George Charles Bruno, of New Hampshire, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: George Bruno, Manchester, NH.

Post: Ambassador, Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, Donee:

1. Self, see below.

2. Spouse, Rona Zlokower, None.

3. Children and spouses, Liza Bruno, none.

4. Parents names, Francine Dutcher, and Charles George Bruno, none.

5. Grandparents names, Alfred and Pauline Hofmann, deceased.

6. Brothers and spouses names, Valentine and Lewis Berryan, Victoria Dutcher, John and Cathy Bruno, Richard and Stephanie Dutcher, none.

7. Sisters and spouses names, Above, none.

GEORGE BRUNO

FEDERAL CAMPAIGN CONTRIBUTIONS

1989

2/6—Scott Williams for Congress	$100
2/11—Dave Nagle for Congress	100
4/15—Sharon Dixon for Mayor	50

1990

8/30—Keefe for Congress	100
9/17—Cohen for Congress	30
10/10—Sharon Dixon for Mayor	50

1991

1/11—Keefe for Congress	30
11/11—Dick Swett for Congress	50
12/10—Clinton for President	100

1992

1/11—Bart Cohen for Congress	15
1/11—Dick Swett for Congress	250
4/12—Clinton for President	100
4/28—Clinton for President	100
10/28—Rauh for Senate	75
10/10—Bob Preston for Congress	100

1993

4/13—David Nagle for Congress	100
4/29—Italina American Leadership Council for Clinton/Gore	100
8/1—Dick Swett for Congress	250

Elizabeth Frawley Bagley, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Nominee: Elizabeth F. Bagley.

Post: U.S. Ambassador to Portugal.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

1. Self, Elizabeth F. Bagley, see appendix 1.

2. Spouse, Smith W. Bagley, see appendix 2.

3. Children, Vaughan Elizabeth, age 4, not applicable; Conor Reynolds, age 6 months, not applicable.

4. Parents, Hon. John D. Frawley and RoseMary Frawley, none.

5. Grandparents, Mr. and Mrs. Edward Frawley, deceased; Mr. and Mrs. Andrew Vaughn, deceased.

6. Brothers and spouses, Mr. Kevin B. Frawley, Ms. Joan M. Frawley, Rev. Brian E. Frawley, Mr. Terence A. Frawley, Ms. Tabitha Z. Frawley, none.

7. Sisters and spouses: Ms. RoseMary Frawley, Ms. Pegeen Frawley Doran, Hon. Stephen W. Dorn, Ms. Bernadette Frawley Butterfield, Mr. Michael Butterfield, Ms. Ellen M. Frawley, none.

APPENDIX 1

5/1/90—Fascell, Dante B.	1,000
5/10/90—Atkins, Chester G.	500
5/14/90—Harkin, Tom	1,000
5/16/90—Gantt, Harvey B.	1,000
5/18/90—Heath, Josephine	1,000
6/20/90—Fund for a Democratic Majority	1,000
6/29/90—Kerry, John	1,000
6/30/90—Dodd, Christopher J.	1,000
9/13/90—Democratic Senatorial Campaign Committee	7,000
9/19/90—Heath, Josephine	1,000
9/20/90—Baucus, Max	1,000
10/22/90—Lonsdale, Harold K.	1,000
10/24/90—Atkins, Chester G.	500
10/24/90—Wellstone, Paul	500
10/26/90—Wellstone, Paul	500
11/2/90—Hill, Baron P.	1,000
2/8/91—Ferraro, Geraldine	1,000
4/19/91—Fowler, Wyche, Jr.	1,000
4/19/91—Wirth, Timothy E.	1,000
5/13/91—Boxer, Barbara	1,000
5/17/91—Democratic National Committee Services Corporation/Democratic National Committee	500
6/6/91—Wofford, Harris	1,000
6/6/91—Wofford, Harris	1,000
6/7/91—Mikulski, Barbara A.	1,000
6/8/91—Massachusetts Democratic State Committee—Federal Funds Account	1,000

6/14/91—Fund for a Democratic Majority 1,000
6/18/91—Aucoin, Les 1,000
8/13/91—Harkin, Tom 1,000
8/13/91—Harkin, Tom 1,500
9/16/91—Democratic National Committee Services Corporation/Democratic National Committee 1,500
9/25/91—Democratic National Committee Services Corporation/Democratic National Committee 3,000
10/22/91—Boxer, Barbara 1,000
10/23/91—Kerrey, J. Robert 1,000
10/28/91—Democratic Senatorial Campaign Committee 12,000
11/29/91—Aucoin, Les 1,000
12/19/91—Democratic National Committee Services Corporation/Democratic National Committee 3,500
2/20/92—Harman, Jane 1,000
4/10/92—Clinton, Bill 1,000
7/8/92—Clinton, Bill 1,000
8/1/92—Yeakel, Lynn Hardy 1,000
9/16/92—Harman, Jane 500
10/15/92—Moody, Jim 1,000
10/23/92—Feinstein, Dianne 1,000
10/28/92—Democratic Senatorial Campaign Committee 3,655
11/12/92—Fowler, Wyche, Jr. 1,000
5/7/93—Kerry, J. Robert 1,000
5/7/93—Kerry, J. Robert 1,000
8/12/93—Kennedy, Edward 500
10/6/93—Wofford, Harris 1,000
10/29/93—Democratic Senatorial Campaign Committee 5,500
12/7/93—Kennedy, Edward 500

APPENDIX 2

5/7/90—Democratic Senatorial Campaign Committee 3,000
5/14/90—Harkin, Tom 1,000
5/15/90—Baucus, Max 1,000
5/16/90—Gantt, Harvey B. 1,000
6/15/90—Democratic Decade 2,000
7/30/90—Gantt, Harvey B. 1,000
7/30/90—Gantt, Harvey B. 1,000
9/6/90—Norton, Eleanor Holmes 1,000
9/8/90—Moffett, Anthony Toby 1,000
10/4/90—Wellstone, Paul 500
10/25/90—Wellstone, Paul 500
2/28/91—Gantt, Harvey B. 1,000
3/19/91—Boxer, Barbara 1,000
4/29/91—Dodd, Christopher J. 1,000
4/12/91—Richardson, Bill 1,000
4/19/91—Fowler, Wyche Jr. 1,000
5/17/91—Democratic National Committee Services Corporation/Democratic National Committee 500
5/20/91—Independent Action Incorporated 1,000
6/6/91—Wofford, Harris 1,000
6/6/91—Wofford, Harris 1,000
8/13/91—Harkin, Tom 1,000
9/4/91—Harman, Jane 1,000
9/16/91—Democratic National Committee Services Corporation/Democratic National Committee 1,500
9/25/91—Democratic National Services Corporation/Democratic National Committee 3,000
9/26/91—Ferraro, Geraldine 1,000
10/8/91—Aucoin, Les 1,000
10/21/91—Boxer, Barbara 1,000
11/25/91—Aucoin, Les 1,000
12/19/91—Democratic National Committee Services Corporation/Democratic National Committee 3,500
12/30/91—Moody, Jim 1,000
12/30/91—Moody, Jim 1,000
2/28/92—Sanford, James Terry 1,000
3/26/92—Watt, Melvin 1,000
4/1/92—Kerrey, Robert J. 1,000
5/19/92—Clinton, William Jefferson 1,000
6/10/92—Yeakel, Lynn Hardy 1,000
7/8/92—Clinton, William Jefferson 1,000
9/11/92—Democratic Senatorial Campaign Committee 3,000
10/16/92—Feingold, Russell D. 1,000
6/29/92—Wofford, Harris 2,000

Brian J. Donnelly, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Brian Joseph Donnelly.

Post: Ambassador, Trinidad and Tobago.

Contributions, amount, date, donee:

1. Self, $1,000, March 1992, Pat Williams for Congress; $1,000, July 1992, Citizens for Downey; $1,000, Oct. 1992, McCloskey for Congress; $1,000, Oct. 1992, Kennelly for Congress; $1,000, Oct. 1992, Boxer for Senate; $1,000, Oct. 1992, Martin Meehan for Congress; $1,000, June 1992, Okar for Congress; $1,000, June 1992, Anthony for Congress.

Also $1,000, Richard E. Neal for Congress; $1,000, June 1991, Les AuCoin for Senate Committee; $5,000, Oct. 1991, Democratic Congressional Committee; $1,000, Feb. 1990, Citizens for Harkin; $1,000, May 1990, Brennan for Governor; $1,000, July 1990, Carl Perkins Committee; and $1,000, Sept. 1990, McCloskey for Congress.

2. Spouse, Virginia A. Donnelly, none.

3. Children and Spouses, Lauren Donnelly, none; Brian Donnelly, none.

4. Parents, Lawrence Donnelly, deceased; Louise Donnelly, deceased.

5. Grandparents, Thomas and Sarah Donnelly, deceased; Joseph and Margaret Kelly, deceased.

6. Brothers and Spouses, Lawrence and Mary Donnelly, none; Paul Donnelly, none.

7. Sisters and Spouses, Louise and Paul Lydon, none.

Clay Constantinou, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Clay Constantinou.

Post: Ambassador to Luxembourg.

Contributions, amount, date, donee:

1. Self $1,000, Apr. 1990, Fund for a Democratic Majority; $1,000, Apr. 1990, Friends for Robert Torriccelli; $500, Mar. 1990, Don Payne for Congress; $500, Feb. 1990, Gubernatorial Inaugural Ball (N.J.); $500, Feb. 1990, Gubernatorial Inaugural Ball (N.J.).

Also $20, Feb. 1991, Mid Manhattan Democratic Club; $150, Feb. 1991, Pallone for Congress; $300, Feb. 1991, Friends for Gabe Ambrosio; $150, May 1991, Westchester County Democratic Committee; $500, Apr. 1991, Paul Tsongas for President; $500, May 1991, Tsongas for President Committee; $500, June 1991, Tsongas Committee; $1,500, Sept. 1991, Governor's Gala (N.J.); $1,000, Oct. 1991, Clinton for President; $1,000, Oct. 1991, Robert Torriccelli; $125, Oct. 1991, Highland Park Democratic Club; $500, Aug. 1991, Pallone for Congress.

Also $1,000, May 1992, New Jersey State Democratic Committee; $250, July 1992, Rosa DeLauro; $50, Sept. 1992, Executive's Family Picnic; $500, June 1993, Lautenberg Committee; $1,800, May 1993, Florio '93; $500, June 1993, Friends of Phil Angelides; $500, June 1993, Sarbanes Committee; $500, Feb. 1993, Bill Bradley for U.S. Senate.

2. Spouse, Eileen Constantinou, none.

3. Children and Spouses Jennifer, Dan, none.

4. Parents, Dan (deceased) Helen (deceased), none.

5. Grandparents, Kleanthes Maouris, Polyxeni Maouris, deceased.

6. Brothers and Spouses, Dino Constantinou, none.

7. Sisters and spouses, none.

Raymond Edwin Mabus, Jr., of Mississippi, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Raymond Edwin Mabus, Jr.

Post: Ambassador to Audi Arabia.

Contributions, amount, date, donee:

1. Self, $500.00, 4/10/92, Clinton-Gore Campaign, $200.00, 6/19/92, Mike Espy for Congress (Second District of Mississippi); $500.00, 4/6/93, Bennie Thompson for Congress (Second District of Mississippi).

2. Spouse, $500.00, 10/29/92, Clinton-Gore Campaign.

3. Children, Names, Elisabeth Hamilton Mabus, Anne Gates Mabus.

4. Parents, Names, Raymond E. Mabus, Sr., deceased, Lucille C. Mabus, none.

5. Grandparents, Names, Elmer E. Mabus, Deceased; Helen S. Mabus, Deceased, James E. Curtis, Deceased, Birdie W. Curtis, Deceased.

6. Brothers, Names, None.

7. Sisters, Names, None.

Note: All contributions came out of a joint account of my wife and myself.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in full in the CONGRESSIONAL RECORD on May 24, 1994, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of May 24, 1994 at the end of the Senate proceedings.)

By Mr. MOYNIHAN, from the Committee on Finance:

Valerie Lau, of California, to be inspector General, Department of the Treasury; and

Ronald K. Noble, of New York, to be Under Secretary of the Treasury for Enforcement. (New Position)

(The above nominations were reported with the recommendation that

they be confirmed, subject to the nominees; commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Lee Ann Elliott, of Virginia, to be a Member of the Federal Election Commission for a term expiring April 30, 1999; and

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees; commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 2247. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2248. A bill to permit the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, WA, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes; to the Committee on Energy and National Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2249. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WOFFORD:

S.J. Res. 206. Joint resolution designating September 17, 1994, as Constitution Day; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BREAUX, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mr. GLENN, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD):

S. Res. 235. Resolution to print as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 236. Resolution to increase the portion of funds available to the Committee on Banking, Housing, and Urban Affairs for hiring consultants; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 2247. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAIR HOUSING ACT AMENDMENTS OF 1994

• Mr. GORTON. Mr. President, it has been brought to my attention, by thousands of letters from my constituents in Washington State, that the Department of Housing and Urban Development is in the process of developing a proposed rule regarding homes for older persons. Although this proposed rule has not yet been published, it has already caused a great deal of anger and distress among senior citizens in my State and across the Nation. This proposed rule is an attempt to place arduous, expensive, and unfair regulations on communities created especially for persons aged 55 and older.

I introduce legislation which would counteract HUD's proposed rule. The Fair Housing Act currently in effect, rightly exempts "55 and over" communities from certain familial status discrimination provisions. The law allows senior citizens to develop communities which restrict residence to persons aged 55 and older. These communities give seniors a choice to live in a comfortable, quiet home of their own—a choice they rightly deserve. But, the Department of Housing and Urban Development wants to take that choice away.

Officials at HUD are proposing a rule which would eliminate this exemption unless 55 and older communities provide a set of extravagant and very expensive services and facilities for their residents. The Department argues that the Fair Housing Amendments Act of 1988 already includes a provision requiring certain services and facilities in order for these communities to qualify for the exemption, and that the proposed rule is merely an attempt to better define this provision of the law.

Mr. President, I argue that it was never the intent of Congress to make the requirements for exemption so onerous that only a few, very wealthy 55 and over communities would have the means to qualify. Yet that is precisely what HUD's proposed rule will do. The Department of Housing and Urban Development plans to mandate 24-hour on-site emergency medical facilities, nursing care, on-site community dining facilities and many more exorbitant facilities and services.

What HUD doesn't seem to understand is that the majority of 55 and over communities cater to low- and moderate-income seniors. Many are mobile home parks or apartment complexes. These communities simply do not have the resources necessary to comply with HUD's proposed regulations. My constituents who operate and live in these senior communities have told me if HUD's proposed rule is enacted, they will be forced to either drastically increase rents—forcing many residents to move out—or give up their exemption, creating for many of them loud and chaotic living situations which they want desperately to avoid. Mr. President, neither of these options is acceptable to my constituents and neither is acceptable to me.

Senior citizens deserve the right to live as they choose. Retired Americans have spent a lifetime raising children, paying taxes, and working hard. They have earned their retirement and the right to live in the community of their choice, without the Federal Government saddling them with burdensome, complicated, and expensive Federal regulations. Clearly, retired Americans have the intelligence to decide whether they need to live in a community with 24-hour medical care without the assistance of the Federal Government.

Mr. and Mrs. Roderick Mason of Bellingham, WA wrote to me a few weeks ago to express their deep concern about the Department's proposal. They write,

> When we moved to our mobile home park we knew what services were offered and chose to live here with people in our age group. We do not desire the added services needed for those who can no longer care for themselves. We have no desire to operate as a nursing home. In our view, that is not the true intent of 55 and over housing.

And Mr. and Mrs. Bob Larsen of Seattle write,

> Many of us already have to contend with the rising cost of living since our original retirement and to further disrupt our lifestyle with unnecessary rules and regulations would be disgusting. Our plan when we moved into this community, was to live here as long as we could function on our own.

Like my constituents, I am outraged by the Department of Housing and Urban Development's proposal. That is why I am introducing this legislation today. My bill would simply exempt communities, in which at least 80 percent of the residents are aged 55 and over, from the services and facilities provision of the Fair Housing Act. In effect, this legislation will give retired Americans the right to live in the community of their choice without undue interference by the Federal Government.

I am introducing this legislation today, because I believe individuals are better suited to make decisions about how to live their own lives than is the

Federal bureaucracy. I urge my colleagues to join me in this fight to protect the rights of retired Americans, before the Federal Government is able to eliminate their choice to live in a community designed specifically for persons aged 55 and over.●

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2248. A bill to permit the Secretary of Agriculture to exchange certain lands in the Wenatachee National Forest, Washington, for certain lands owned by Public Utility District No. 1 of Chelan County, WA, and for other purposes; to the Committee on Energy and Natural Resources.

U.S. FOREST SERVICE/CHELAN COUNTY PUBLIC UTILITIES DISTRICT LAND EXCHANGE ACT OF 1994

● Mr. GORTON. Mr. President, I introduce legislation to authorize a land exchange between the Wenatchee National Forest and Chelan County Public Utilities District. This bill was passed by the Senate in the 102d Congress, but no action was taken in the House of Representatives.

In recent years in Chelan county, the septic tank and associated drainfield systems of several local businesses and private residences have begun to fail. This failure may cause potential pollution to the pristine waters of Lake Wenatchee. A solution was found when a local business owner inquired into the possibility of using a sewage treatment plant owned and operated by the Wenatchee National Forest to treat the area's wastewater. Chelan County PUD was also approached and agreed to provide wastewater treatment services in the Lake Wenatchee area.

Both the Forest Service and Chelan County PUD have agreed to a land exchange which would transfer ownership of the existing sewage treatment plant in the Wenatchee National Forest and the surrounding 85 acres of National Forest land to Chelan County PUD. The Forest Service would receive 109 acres of Chelan County PUD land in exchange. The PUD land is surrounded on three sides by national forest land and lies on the Wenatchee River, a proposed wild and scenic river.

This land exchange is supported by both the Forest Service and Chelan County PUD, as well as local residents and business owners in the Lake Wenatchee area. It would serve to prevent the potential pollution of Lake Wenatchee and exchange national forest land currently encumbered by a sewage treatment plant with more desirable land located on the Wenatchee River.

Mr. President, this exchange is a win-win solution to Lake Wenatchee's sewage treatment problem. I urge the Energy Committee to hold hearings on the bill as soon as possible. I thank my colleagues for their consideration.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2249. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

ANCSA STOCK BUYBACK ACT OF 1994

● Mr. MURKOWSKI. Mr. President, I rise today to introduce the Alaska Native Claims Settlement Act Stock Buyback Act of 1994.

In 1971 Congress enacted the Alaska Native Claims Settlement Act [ANCSA] to settle Alaska Natives land claims.

Under ANCSA, the Federal Government granted Alaska's Natives 44 million acres of land and approximately $1 billion in monetary compensation for the loss of title to their ancestral lands. In addition, ANCSA formed Native corporations. Alaska Natives enrolled in these corporations were issued shares of stock in the various regional and village corporations.

ANCSA specifically stated that Native corporation stock—unlike most corporate stock—could not be sold, transferred, or pledged by the owners of the shares. Rather, stock could only be transferred through inheritance or in limited cases by court decree.

The drafters of ANCSA initially believed that a period of 20 years would be a sufficient amount of time for the restrictions on the sale of stock to remain in place. But, as 1991 approached, bringing with it the impending change in the alienability of Native stock, the Alaska Native community grew concerned about the effect of the potential sale of Native stock.

In 1987, 3 years prior to the 1991 restriction-lifting date, Congress enacted legislation which reformed the mechanism governing stock sale restrictions in a fundamental way.

Under the 1987 amendments, instead of expiring automatically in 1991, the stock restrictions on alienability continue automatically unless and until the shareholders of a Native corporation vote to remove them.

The legislation I am introducing today amends ANCSA by allowing the Cook Inlet Regional Corporations [CIRI], upon the approval of its 6,300 shareholders, to offer to its shareholders, a repurchase plan of CIRI stock from those shareholders who desire to tender their stock to the company.

The stock would then be canceled. The plan allows shareholders to access the capital value of CIRI stock in a way that preserves Native control and ownership of CIRI. The proposed legislation contains safeguards designed to ensure that the repurchase would be conducted fairly.

Mr. President, this legislation is supported by Alaska's Native community.

I have discussed this issue with Senator STEVENS and Congressman YOUNG and we have decided to support CIRI's efforts to repurchase stock which will enable CIRI and other ANCSA Regional Corporations to remain in Native control.

I urge my colleagues to support this legislation.●

By Mr. WOFFORD:

S.J. Res. 206. A joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on the Judiciary.

CONSTITUTION DAY JOINT RESOLUTION

● Mr. WOFFORD. Mr. President, on June 29, 1787, 207 years ago today, the delegates to the Constitutional Convention in Philadelphia spent hours debating representation in a bicameral legislature. Delegates from Maryland insisted that the small States be equally represented in the House and Senate, arguing that without such representation, the small States would be squashed.

This argument was not universally accepted. Small State delegates Oliver Ellsworth and Roger Sherman of Connecticut continued working behind the scenes to effect a compromise with the delegates of the large States, so that the proposed Senate would contain equal representation of two Senators from each State, while the House of Representatives would be based on population—the compromise that was eventually adopted and served as a key ingredient in making the Convention a success.

On behalf of the National Constitution Center, chartered by Congress in 1988 in the Constitutional Heritage Act and located in Philadelphia, I am introducing today a resolution that would designate September 17, 1994 as Constitution Day.

Constitution Day would honor the Constitution and publicize the importance of observing and understanding how this document affects our daily lives. The Constitution is the greatest instrument of self-government yet devised. It has lasted more than 200 years and has given us stability, continuity, growth, and flexibility.

The National Constitution Center last year expanded its celebration of Constitution Day from one park, Independence National Historic Park in Philadelphia to 139 parks, archives, and Presidential libraries around the country. Citizens numbering 200,000 signed replicas of the Constitution. This year, the Center will further expand its effort to teach people the values of the Constitution. I hope this resolution will allow Constitution Day to be conducted in large cities and small towns across the Nation. The Center hopes to eventually extend the program into a Constitution Week—a full week of activities and events designed to furthering the understanding of this magnificent document.

I was a member of the original Planning Committee that launched the National Constitution Center in 1985–86, and I have long held an interest in our country's earliest history. That is why I support the National Constitution

Center and their efforts to expand the program and ultimately build a Constitution Center in Philadelphia—a place where millions of Americans could come to learn more about the great ideas behind our Constitution, its bill of Rights, and the Declaration of Independence.

I am pleased to introduce this resolution designating September 17, 1994 as Constitution Day. I hope my colleagues will join me in sponsoring this legislation, and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 206

Whereas the Constitution of the United States is the cornerstone of the Nation's system of government under law;

Whereas the Constitution of the United States signifies the importance of the rule of law and affirms the Nation's dedication to the principles of freedom and justice;

Whereas the Constitution of the United States is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution of the United States provides the framework of the Nation's law, spirit, and beliefs;

Whereas the Constitution of the United States deserves the recognition, respect, and reverence of all Americans;

Whereas every American should celebrate the freedom and responsibilities of the Constitution of the United States; and

Whereas the Constitution of the United States was signed on September 17, 1787; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 17, 1994, is designated as "Constitution Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 2046

At the request of Mr. COCHRAN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2046, a bill to amend the Public Health Service Act to provide for the establishment by the National Institutes of Health research centers regarding movement disorders, and for other purposes.

S. 2070

At the request of Mr. KOHL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2070, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation.

S. 2183

At the request of Mr. ROBB, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2225

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 2225, a bill to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

S. 2243

At the request of Mr. STEVENS, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 2243, a bill to amend the Fishermen's Protective Act of 1967 to permit reimbursement of fishermen for fees required by a foreign government to be paid in advance in order to navigate in the waters of that foreign country whenever the United States considers that fee to be inconsistent with international law, and for other purposes.

S.J. RES. 169

At the request of Mr. WARNER, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Indiana [Mr. LUGAR], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Kansas [Mr. DOLE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S.J. Res. 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

S.J. RES. 178

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S.J. Res. 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

S.J. RES. 192

At the request of Mr. KOHL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. MURKOWSKI], the senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. DORGAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S.J. Res. 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

S.J. RES. 198

At the request of Mr. PRYOR, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S.J. Res 198, a joint resolution designating 1995 as the "Year of the Grandparent."

S.J. RES. 199

At the request of Mr. COCHRAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S.J. Res. 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

S. RES. 234

At the request of Mr. PELL, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. Res. 234, a resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

SENATE RESOLUTION 235—RELATIVE TO A COLLECTION OF STATEMENTS

Mr. MITCHELL (for himself, Mr. DOLE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BREAUX, Mr. DECONCINI, Mr. DODD, Mr. DORGAN, Mr. GLENN, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MATHEWS, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. WOFFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 235

Resolved, That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis, together with appropriate illustrations and other materials relating to her death.

SENATE RESOLUTION 236—RELATIVE TO THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved, That section 6(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "$1,000" and inserting "$300,000".

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

DOLE (AND LIEBERMAN) AMENDMENT NO. 2103

Mr. MCCONNELL (for Mr. DOLE, for himself and Mr. LIEBERMAN) proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related

program for the fiscal year ending September 30, 1995; as follows:

On line 21 of the first committee amendment strike the word states, and insert the following:

States

BOSNIA AND HERZEGOVINA SELF-DEFENSE

SEC. . (a) SHORT TITLE.—This section may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1944".

(b) FINDINGS.—The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United Nations Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina either within the United Nations Security Council or within the North Atlantic Council since the enactment of section 520 of Public Law 103–236, Senate passage of S. 2042 of the One Hundred Third Congress, and House passage of sections 1401–1404 of H.R. 4301 of the One Hundred Third Congress.

(c) TERMINATION OF ARMS EMBARGO.—

(1) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that Government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2104

Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. SASSER) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the amendment, insert the following:

PRISONER TRANSFERS

SEC. . (a) SHORT TITLE.—This section may be cited as the "Prisoner Transfer Equity Act".

(b) PURPOSE.—The purpose of this section is to relieve overcrowding in Federal and State prisons by providing for the transfer of criminal aliens convicted of crimes in the United States back to their native countries to serve the balance of their sentences.

(c) FINDINGS.—The Congress makes the following findings:

(1) The cost of incarcerating an illegal alien in a Federal or State prison can cost as much as $25,000 per year.

(2) There are approximately 46,000 convicted criminal aliens serving in American prisons, including 25,000 convicted criminal aliens serving in State prisons and 21,000 convicted criminal aliens serving in Federal prisons.

(3) Many of these convicted criminal aliens are also illegal aliens, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of convicted criminal aliens is approximately $1,200,000—

(5) There are approximately 2,500 American citizens serving in prisons outside the United States.

(6) The United States has entered into over 25 prisoner exchange treaties. Since 1977, under these treaties, the United States sent approximately 1,200 prisoners to other countries but has received approximately 1,400 prisoners that it had to imprison. This has added to United States prison overcrowding.

(d) PRISONER TRANSFER TREATIES.—No later than 90 days after the date of enactment of this Act, the President should begin to negotiate prisoner transfer treaties, or renegotiate existing prisoner transfer treaties, with countries that currently have more prisoners in United States prisons than there are United States citizens in their prisons, to carry out the purpose of this Act. The focus of these negotiations should be on the tranfer of illegal aliens who are serving in United States prisons.

(e) REPORT; WITHHOLDING OF ASSISTANCE.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and not later than March 30 each year thereafter, the President shall submit a report to Congress on the progress of negotiations undertaken under subsection (d) since the date of enactment of this Act or the date of submission of the last report, as the case may be.

(2) WITHHOLDING OF ASSISTANCE.—Whenever—

(A) a report submitted under paragraph (1) indicates that no progress has been made in negotiations under subsection (d) with a foreign country, and

(B) the United States continues to maintain a surplus of prisoners who are nationals of that country,

then, for the remainder of the fiscal year, and each fiscal year thereafter until progress is reported under subsection (a), not less than one percent or more than 10 percent of United States bilateral assistance allocated for that country (but for this provision) shall be withheld from obligation and expenditure for that country.

(3) DEFINITION.—As used in this section, the term "United States bilateral assistance" means—

(A) assistance under the Foreign Assistance Act of 1961 other than assistance provided through international organizations or other multilateral arrangements; and

(B) sales and sales financing under the Arms Export Control Act.

(f) WAIVER AUTHORITY.—The President may waive the application of subsection (e)(2) if such an application would jeopardize relationships between the United States and a foreign country that the President determines to be in the national interest. Whenever the President exercises the waiver authority of this section, the President shall submit a statement in writing to Congress setting forth the justification for the exercise of the waiver.

(g) DIPLOMATIC EFFORTS.—For each country that does not receive United States assistance and for which the conditions of subsections (e)(2)(A) and (e)(2)(B) apply, the President should use such diplomatic offices and powers as may be necessary to make progress in negotiating or renegotiating a prisoner transfer treaty.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed to alter or affect the existing immigration, refugee, political asylum laws of the United States nor any Federal, State, or local criminal laws.

LEAHY AMENDMENTS NOS. 2105–2108

Mr. LEAHY proposed four amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2105

On page 34, line 11 of the Committee reported bill, linetype "Peru, and Malawi" and insert immediately thereafter: "and Peru".

AMENDMENT NO. 2106

On page 6, line 13 of the Committee reported bill, linetype "during fiscal year" through "600" on line 15 and insert immediately thereafter: "of the amount appropriated under this heading not more than $7,002,000 may be expended for the purchase of such stock in fiscal year 1995".

AMENDMENT NO. 2107

On page 59, line 19 of the Committee reported bill, after the word "ceiling" insert: "established pursuant to any provision of law or regulation".

AMENDMENT NO. 2108

On page 79, line 13 of the Committee reported bill, after the word "Defense" insert: "and defense services of the Department of Defense".

MIKULSKI AMENDMENT NO. 2109

Mr. LEAHY (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND.

(a) EXTENSION OF AUTHORIZATION.—Section 2223(a) of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note) is amended by striking "1988 through 1992" and inserting "1995 through 1999".

(b) DEFINITION OF ELIGIBLE COMMODITIES.—Section 2223(b)(1) of that Act is amended by inserting ", soybeans, and soybean products" after "feed grains".

(c) ELIGIBLE ACTIVITIES.—Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended in the third sentence—

(1) by striking "and" at the end of subclause (II);

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subclause:

"(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

LEAHY AMENDMENT NO. 2110

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 80 of the Committee reported bill, linetype from "(e)" on line 7 through and including the period on line 17, and on page 112, after line 9, insert:

"WAR CRIMES TRIBUNALS

SEC. 577. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the authority of section 552(c) of the Foreign Assistance Act of 1961, as amended, may be used to provide up to $25,000,000 of commodities and services to the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or other bodies as the Council may establish to deal with such violations, without regard to

the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia."

COCHRAN AMENDMENT NO. 2111

Mr. COCHRAN proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 33, line 3, strike all after "*Provided further*" through "United Nations Charter" on line 18.

HELMS AMENDMENT NO. 2112

Mr. HELMS proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 3, strike lines 8 through 13.

LEAHY AMENDMENT NO. 2113

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 33, line 3, of the Committee reported bill, strike "*Provided further, That*" and all that follows through "*Charter*" on line 18, and insert:

"*Provided further, That any agreement for the sale or provision of any defense article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) to Turkey utilizing funds made available under this heading that is entered into by the United States during fiscal year 1995 shall expressly state that the article will not be used in violation of international law, and any grant of any excess defense article under the Foreign Assistance Act of 1961 during fiscal year 1995 shall be subject to the same condition: Provided further, That in any case in which a report to the Congress is required under section 3(c)(2) of the Arms Export Control Act regarding such a violation, such report shall also be submitted to the Committees on Appropriations: Provided further, That the Secretary of State, in consultation with the Secretary of Defense shall submit a report to the Committees on Appropriations by February 1, 1995, describing how United States assistance to Greece is promoting respect for principles and obligations under the United Nations sanctions against Serbia, the United Nations Charter and the Helsinki Accords.*"

McCONNELL AMENDMENT NO. 2114

Mr. McCONNELL proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the section entitle "Assistance for the New Independent States of the Former Soviet Union," add the following new subsection:

Not less than $15,000,000 of the funds appropriated under this heading shall be spent to support and expand the hospital partnerships program conducted throughout the NIS.

PRESSLER AMENDMENTS NOS. 2115–2116

Mr. PRESSLER proposed two amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2115

On page 112, between lines 9 and 10, insert the following new section:

BUY AMERICA

SEC. . (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay any United States voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the appropriate congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers for such activities and for other United Nations acquisition needs.

(b) For purpose of this section, the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Affairs of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate.

AMENDMENT NO. 2116

On page 112, between lines 9 and 10, insert the following new section:

TELECOMMUNICATIONS PROCUREMENT

SEC. . It is the sense of the Congress that the Agency for International Development, and other agencies as appropriate, should take steps to ensure that United States firms are not unfairly disadvantaged in procurement opportunities related to promoting development through telecommunications enhancement. The Congress expects that high technology firms primarily owned by nationals of countries which deny procurement opportunities to United States firms will not be eligible to bid on procurement opportunities funded by programs in this Act. In particular, the Congress would oppose such purchases if the government of that country restricts American manufacturers of the same high technology products from government procurement or government-financed programs.

GREGG (AND NICKLES) AMENDMENT NO. 2117

Mr. GREGG (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE CONGRESS ON UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) REAFFIRMATION OF POLICY.—It is the sense of the Congress that the policy stated in section 8147 of Public Law 103-139 (107 Stat. 1474) regarding Haiti should be reaffirmed.

(b) LIMITATION.—It is the sense of the Congress that none of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1995 under this or any other Act may be obligated or expended for any United States military operations in Haiti unless—

(1) such operations are authorized in advance by the Congress;

(2) the temporary deployment of forces of the Armed Forces of the United States into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the temporary deployment;

(3) the deployment of forces of the Armed Forces of the United States into Haiti is vital to the national security interests of the United States (including the protection of American citizens in Haiti), there is not sufficient time to seek and receive congressional authorization, and the President reports as soon as practicable to Congress after the initiation of the deployment, but in no case later than 48 hours after the initiation of the deployment; or

(4) the President transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—The limitation in subsection (b) does not apply if the President reports in advance to Congress that the intended deployment of forces of the Armed Forces of the United States into Haiti—

(1) is justified by United States national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of such forces, including steps to ensure that such forces will not become targets due to the nature of the applicable rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the Armed Forces of the United States rather than civilian personnel or armed forces from other nations; and

(B) the United States forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of forces of the Armed Forces of the United States into the land territory of Haiti, irrespective of whether those forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of United States diplomatic or other United States Government facilities, or operations to counter emigration from Haiti.

MITCHELL (AND OTHERS) AMENDMENT NO. 2118

Mr. MITCHELL (for himself, Mr. LEAHY, Mr. WARNER, and Mr. BIDEN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the amendment add the following:

SEC. . SENSE OF THE CONGRESS ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN HAITI.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) all parties should honor their obligations under the Governor's Island Accord of July 3, 1993 and the New York Pact of July 16, 1993;

(2) the United States has a national interest in preventing uncontrolled emigration from Haiti; and

(3) the United States should remain engaged in Haiti to support national reconciliation and further its interest in preventing uncontrolled emigration.

(b) LIMITATION.—It is the sense of the Congress that funds appropriated by this Act or any other Act should not be obligated or expended in Haiti unless—

(1) authorized in advanced by the Congress; or

(2) the temporary deployment of United States Armed Forces into Haiti is necessary in order to protect or evacuate United States citizens from a situation of imminent danger and the President reports as soon as practicable to Congress after the initiation of the temporary deployment; or

(3) the deployment of United States Armed Forces into Haiti is vital to the national security interests of the United States, including but not limited to the protection of American citizens in Haiti, there is not sufficient time to seek and receive Congressional authorization, and the President reports as soon as is practicable to Congress after the initiation of the deployment, but in no case later than forty eight hours after the initiation of the deployment; or

(4) the president transmits to the Congress a written report pursuant to subsection (c).

(c) REPORT.—It is the sense of the Congress that the limitation in subsection (b) should not apply if the President reports in advance to Congress that the intended deployment of United States Armed Forces into Haiti—

(1) is justified by U.S. national security interests;

(2) will be undertaken only after necessary steps have been taken to ensure the safety and security of U.S. Armed Forces, including steps to ensure that U.S. Armed Forces will not become targets due to the nature of their rules of engagement;

(3) will be undertaken only after an assessment that—

(A) the proposed mission and objectives are most appropriate for the U.S. Armed Forces rather than civilian personnel or armed forces from other nations, and

(B) that the U.S. Armed Forces proposed for deployment are necessary and sufficient to accomplish the objectives of the proposed mission;

(4) will be undertaken only after clear objectives for the deployment are established;

(5) will be undertaken only after an exit strategy for ending the deployment has been identified; and

(6) will be undertaken only after the financial costs of the deployment are estimated.

(d) DEFINITION.—As used in this section, the term "United States military operations in Haiti" means the continued deployment, introduction or reintroduction of United States Armed Forces into the land territory of Haiti, irrespective of whether those Armed Forces are under United States or United Nations command, but does not include activities for the collection of foreign intelligence, activities directly related to the operations of U.S. diplomatic or other U.S. government facilities, or operations to computer emigration from Haiti.

MACK (AND MCCONNELL) AMENDMENT NO. 2119

Mr. LEAHY (for Mr. MACK for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

SEC. . (a) REPORTING REQUIREMENT.—The Secretary of State shall, by March 31, 1995, submit to the Committees on Appropriations a report providing a concise overview of the prospects for economic growth on a broad, equitable, and sustainable basis in the countries receiving economic assistance under title II of this Act. For each country, the report shall discuss the laws, policies, and practices of that country that most contribute to or detract from the achievement of this kind of growth. The report should address relevant macroeconomic, microeconomic, social, legal, environmental, and political factors.

(b) COUNTRIES.—The countries referred to in subsection (a) are countries—

(1) for which in excess of a total of $5,000,000 has been obligated during the previous fiscal year for assistance under sections 103 through 106, chapters 10 and 11 of part I, and chapter 4 of part II of the Foreign Assistance Act of 1961, and under the Support for East European Democracy Act of 1989; or

(2) for which in excess of $1,000,000 has been obligated during the previous fiscal year for assistance administered by the Overseas Private Investment Corporation.

(c) CONSULTATION.—The Secretary of State shall submit the report required by subsection (a) in consultation with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the President of the Overseas Private Investment Corporation.

LEVIN AMENDMENT NO. 2120

Mr. LEAHY (for Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

"NON-LETHAL EXCESS DEFENSE ARTICLES

SEC. . Notwithstanding section 519(f) of the Foreign Assistance Act of 1961, during fiscal year 1995, funds available to the Department of Defense may be expended for crating, packing, handling and transportation of nonlethal excess defense articles transferred under the authority of section 519 to Albania."

BURNS AMENDMENT NO. 2121

Mr. LEAHY (for Mr. BURNS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 23, after line 25, insert the following new subsection:

(n) Of the programs funded under this heading, it is the sense of the Senate that a volunteer United States Tech Corps should be funded for the purpose of providing technical assistance to the new independent states of the former Soviet Union, particularly in the refrigeration of perishable commodities.

LEAHY AMENDMENT NO. 2122

Mr. LEAHY proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

Notwithstanding any other provision of law, demining equipment available to any department or agency and used in support of the clearing of landmines for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

MCCONNELL AMENDMENT NO. 2123

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union, add the following new section:

Not less than $50,000,000 of the funds appropriated under this heading be made available for programs and activities which match U.S. private sector resources with federal funds.

MCCONNELL AMENDMENT NO. 2124

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of section entitled "Assistance to the New Independent States and of the Former Soviet Union" add the following:

Within sixty days of enactment of this Act, the Administrator of the Agency of International Development shall report to the Committees on Appropriations concerning the feasibility of developing an outreach program which would make grants to partnerships between American communities and organizations with cultural and ethnic ties to the new independent states and their counterparts in the new independent states."

PRYOR (AND LAUTENBERG) AMENDMENT 2125

Mr. LEAHY (for Mr. PRYOR for himself and Mr. LAUTENBERG proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

SEC. . None of the funds appropriated or otherwise made available by this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation); or

(2) food (other than food provided at a military installation); or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees and food at sporting events and amusement parks.

MCCONNELL AMENDMENT NO. 2126

Mr. LEAHY (for Mr. MCCONNELL) proposed an amendment to the bill H.R. 4426, supra; as follows:

The Senate finds that:

(A) The Burmese people overwhelmingly voted in 1990 to begin a process of political and economic reform based on a fundamental respect for human rights and freedom of political expression by resoundingly rejecting the military-led government of the State Law and Order Restoration Council (SLORC), and electing a coalition government headed by the National League for Democracy;

(B) SLORC refused to recognize the will of the Burmese people and in the wake of the election launched a bloody crackdown against the prodemocracy movement killing some activists through torture; others were imprisoned or forced to flee Burma;

(C) Since that time, all political dissent has been banned with violators arrested, jailed often beaten and sometimes executed for attempting to express their political beliefs. The United States and United Nations have repeatedly identified SLORC as one of the worst offenders of human rights in the world;

(D) SLORC and military officials have a long history of complicity in drug trafficking and production;

(E) The forced conscription of rural villagers including the elderly, pregnant women, and children as slave labor to carry arms and ammunition for the military, and build roads and bridges for government projects continues. Slave porters are routinely malnourished, beaten, often raped and sometimes executed if they fail to perform work ordered by military officials;

(F) The massive infusion of new arms into Burma poses a direct threat to regional stability; and

(G) The actions of the government of Thailand in harassing and forceably repatriating Burmese refugees is of deep concern to the United States.

The Senate of the United States of America calls for:

(A) SLORC to immediately and unconditionally release the leader of the National League for Democracy, Aung San Suu Kyi, from house arrest and install the legitimate government of Burma;

(B) Immediate access to political detainees or convicted prisoners of any kind by representatives of the International Committee of the Red Cross.

(C) The regime in Rangoon to take real and meaningful action against drug smugglers and corrupt government officials to combat the flood of opium and heroin coming from Burma;

(D) International corporations investing or seeking business opportunities in Burma to recognize SLORC's policy of political repression, abuse of human rights, use of slave labor, and complicity in drug trafficking and refrain from investing in Burma;

(E) The international community to ban selling weapons to SLORC;

(F) The international community to recognize the plight of Burmese refugees and take whatever steps may be necessary to guarantee their safety and human rights.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 29, 1994 at 9:30 a.m., in SD–628, to receive testimony from administration witnesses on pesticide legislation including S. 985, S. 1478, and S. 2050.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, Wednesday, June 29, 1994, at 2 p.m., to consider the Health Security Act of 1994; and to consider the nomination of Valerie Lau to be the Inspector General of the Treasury Department; and to consider the nomination of Ronald Noble to be Under Secretary of the Treasury—Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 29, at 9 a.m. to hold ambassadorial nomination hearings on Brian J. Donnelly, to be Ambassador to Trinidad and Tobago and on Mr. George C. Bruno, to be Ambassador to Belize.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, June 29, at 11 a.m. to hold a business meeting to consider and vote on the attached agenda items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent on the behalf of the Governmental Affairs Committee for authority to meet on Wednesday, June 29, at 9:30 a.m. for a hearing on Congressional Coverage Legislation: Applying Laws to Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, June 29, at 2:30 p.m. for a nomination hearing on Zoe Bush, Rhonda Winston, and Judith Bartnoff, nominees, for Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 29, 1994, to hold a hearing on the nominations of Guido Calabresi of Connecticut, to be U.S. circuit judge for the second circuit and John R. Schmidt of Illinois, to be associate attorney general.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation be authorized to meet on July 29, 1994, at 2 p.m. on S. 2120, Reauthorization of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TEDDY KOLLEK GIVES US WISDOM

• Mr. SIMON. Mr. President, over the years, I have had the chance to get acquainted with the former mayor of Jerusalem, Teddy Kollek.

I've always been impressed by his enthusiasm, his wisdom, his ability and, most of all, his willingness to make his role as mayor an umbrella where he pulls Arabs, Jews, Christians, and people of every background together. I remember having dinner with him one night when he had to leave early because he had to go to a Greek Orthodox event.

Recently, I saw a column in the Jerusalem Post, which he wrote, about Jerusalem. But it really touches on more than Jerusalem.

It talks about basically recognizing that all citizens have to be first-class citizens but, also, recognizing that Jerusalem can never be divided again.

Because what he says makes so much sense and because of the stature that Teddy Kollek has with so many of us, I ask to insert this into the RECORD at this point, and I urge my colleagues to read it.

[From the Jerusalem Post, June 11, 1994]

NO ONE CAN SAY WE TREATED JERUSALEM'S ARABS BADLY

(By Teddy Kollek)

Jerusalem is making the headlines every day. Arafat mentions it in his speeches and promises a jihad. Some of our right-wing politicians, including Jerusalem's mayor, make strong statements about the unity of the city. And professors try to come up with compromise solutions.

The status of Jerusalem clearly has to be settled if lasting peace is to be achieved.

During these crucial days, I frequently hear city officials stress how little my administration did for the Arabs, and how they plan to do much more. Although I doubt their sincerity, I can only wish them luck. But I would like to put the facts straight as I see them.

During my 28 years as mayor I was often attacked for doing too much for the Arabs. This angered me because I felt we were doing too little; but a mayor's power is limited by the government, by the city council and by the financial means at his disposal.

From the moment Jerusalem was united in 1967, I believed that we had to find a way to live with the Arabs that would accommodate both them and us, because there was no chance—as some people apparently hoped—of driving the Arabs out.

Any attempt to do so can only lead to destruction and redivision, because the Arabs will never leave a city they consider holy.

The only way of keeping Jerusalem a united city under our sovereignty is to treat minorities as we would like Jews to be treated. You can't fight antisemitism while treating others as second-class citizens.

And so, with this understanding of the city, we set out to close the gap between the Arabs and ourselves.

It is nearly impossible to grasp the scope of that task; so much was done, and human memory is short.

In 1967 the Arabs in Jerusalem did not have even the most basic services. Their part of

the city was terribly neglected, and raising standards to a normal level was much harder and more costly than starting from scratch, as we did in the new Jewish neighborhoods.

To begin with, the walls of the Old City, first built by Herod and then rebuilt by Suleiman the Magnificent, had been neglected for centuries. Some of the gates had been entirely destroyed. A tremendous effort was required to reconstruct them into the glorious, imposing spectacle they are today.

We rebuilt the roads in the Old City and strengthened the buildings, many of which were 200 or 300 years old and in a state of collapse.

Only 10% of the homes in the Old City had running water. We installed running water not only within the walls, but also in other Arab parts of the city.

We placed water and sewage pipes, power cables and telephone wires underground, which made the lives of the Arab inhabitants easier and improved the look of the city.

We replaced the thousands of TV antennae with a central antenna. We built a first-class library as well as a magnificent medical center in Sheikh Jarrah which has been praised as the best clinic in the country.

All this was done without any Arab financial help; the funds came from the municipality and moneys raised through the Jerusalem Foundation, whose contributors are Jewish (mostly) and Christian.

And often there was not only lack of support but also strong opposition, both in the government and the city council.

We did a lot more than this. We gave the Arabs rights they did not have under Jordanian rule. The last Arab newspaper to be produced in the city had been closed down by the Hashemites a few months before the Six Day War. We let them publish their newspapers without political censorship. And though their publications have frequently expressed the opinion that Israel has no right to exist, no paper has yet been closed down.

Every Arab resident has been given the choice, unheard of in similar situations elsewhere in the world (Alsace-Lorraine, for example), of either becoming an Israeli citizen or remaining Jordanian.

And with their Arab passports and Israeli identity cards, they have the advantage of being able to travel to Arab countries (which we can't do), and then returning to Israel, where they enjoy—among other things—insurance benefits and old-age pensions like all Israelis.

Moreover, this is not affected by the fact that we know their children or close relatives are active in anti-Israel organizations such as Hamas.

Nor did we change anything in their school curricula. The only exception I recall was an exercise in an arithmetic book: "When you have 10 Jews and kill 6, how many remain?" We altered that sentence.

But we kept the same teachers they had before the 1967 war, and the same headmasters. We enlarged their schools. We never interfered with their prayers or with their jurisdiction over their holy places, most importantly the Dome of the Rock.

We behaved this way despite the fact that 58 synagogues in the Jewish Quarter had been destroyed or desecrated during the period of Jordanian rule.

Taking into account the things mentioned above and many others I will not list here, we have probably spent no less money on the Arab part of the city than we have on the Jewish section.

That still doesn't change the fact that some Arab neighborhoods remain underdeveloped and lack many services. We have tried, and should try harder.

But they should also do their part. Every Arab, whether an Israeli or a Jordanian citizen, has the right to vote for the city council. I am only sorry that so far they have not dared to run for a seat on the council. That way they would have more influence over their own affairs and would have proper representation. I am hopeful that this will happen soon.

I am also advocating that the basic rights which the Arabs have been enjoying de facto since 1967 be officially embodied in law by the Knesset. I think this will do a great deal for their sense of security and for a better atmosphere among all citizens of the city.

With all the turmoil and the historical developments now taking place, we must not lose sight of the fact that our objective is to hold on to and strengthen a united Jerusalem. In order to accomplish this I believe we must continue with the policy we have followed over the past 27 years.

The idea of two capitals in one "united" city is ridiculous.●

TRIBUTE TO DR. BEVERLY GAINES

● Mr. McCONNELL. Mr. President, I rise today to honor an individual who has spent her adult life making significant contributions to the Louisville community. Dr. Beverly Gaines, pediatrician and secretary of the Jefferson County Medical Society board of governors, is a shining example of a successful entrepreneur and citizen.

A native of Columbus OH, Beverly Gaines obtained her undergraduate degree from Case Western Reserve University, and went on to graduate with honors from the University of Louisville Medical School in 1979. Since then, Beverly has been much more than just a doctor to the residents of Louisville. Her selfless dedication to caring for others has brought respect and admiration from her peers, who describe her as a true leader among women, physicians, and African-Americans.

Today, in addition to her pediatric practice, she serves on the board of the Louisville Area Chamber of Commerce, sits on the National Medical Association Council on medical legislation and is on the Visiting Nurse Association professional advisory committee. She received the 1993 American Medical Women's Association Community Service Award for her efforts in organizing an African-American Health Jamboree in Louisville last year. It featured free health screenings, immunizations, and offered education on domestic violence and drug awareness.

Mr. President, it is difficult to put into words what her faithful and compassionate service has meant to the citizens of Louisville. She says she devotes one-half to two-thirds of her time to community service, and when asked why, her simple response is that she believes there are some things that are above and beyond money. Clearly, Mr. President, this is a philosophy everyone should follow.

Mr. President, I ask my colleagues to join me in recognizing this outstanding Kentuckian who has given so much to the city of Louisville. In addition, I ask that a May 30, 1994, article from Business First be included in the RECORD.

The article follows:

DR. BEVERLY GAINES LIKES MAKING A DIFFERENCE—PEDIATRICIAN DEVOTES MAJORITY OF HER TIME TO COMMUNITY SERVICE

(By Eric Benmour)

While growing up in Columbus, Ohio, Dr. Beverly M. Gaines got a great deal of support.

She says her parents were determined that Gaines and her brother "be something."

The ethic in their house was, "lessons come first and get your education, and then other things are possible."

During Derby Week, Gaines needed help taking care of her children—Lisa, 15, and Samuel, 10—because Gaines is on the board of the Kentucky Derby Festival.

Gaines' mother came from Columbus to stay at Gaines' Hurstbourne-area home to help.

"That's the kind of support I have enjoyed all my life," she says.

She also got help from her grade-school teachers.

"Those teachers loved us," says Gaines, 41. "You couldn't have told any one of us that we weren't hot-dog wonderful. We had models for success."

But Gaines learned early in life that society had different expectations of her than she had about herself—because she's an African American.

She tells the story of a group of students gathered together to make rounds after an oral examination in medical school at the University of Louisville.

"There were four of us, two white males, a white female and myself," Gaines recalls. "Our resident that made rounds with us on Saturday morning said to the one white male he thought was a superior student, 'Oh, what did you get, Andrew?' And Andrew said, 'I got a 3.5. (out of a possible 4 grade-point average).' "

The resident praised the student and then asked the next student, who got a 3.0. He gave him praise as well. The girl got a 3.0, Gaines says.

"And he said, 'Let's start rounds.' We left the residence room and were almost to the area where the patients' charts were located.

"And he said, 'Oh Beverly, what did you get?' I said, 'I got a 4.0.' He said, 'Let's start rounds.'

"That is the best story I could ever tell you about what my life is like. You can jump through hoops, you can do all the objective measures, you can do all the subjective measures, but your strength has to be from within. Because you do not get that reinforcement outside. And I think that's purely related to race."

By any measure today, Gaines has used her strength to be successful and to make an impact in Louisville.

In addition to her pediatric practice, she serves on the board of the Louisville Area Chamber of Commerce; is secretary of the Jefferson County Medical Society board of governors; is a member of the Louisville chapter of Links, a women's organization; sits on the National Medical Association council on medical legislation; is public-affairs committee chairperson for the Falls City Medical Society; and is on the visiting Nurse Association professional advisory committee.

She also has served on the Leadership Louisville Foundation Inc. board in past and current positions as secretary of the executive committee, and as a member of its finance committee, nominating committee and minority-recruitment committee.

She received the 1993 American Medical Women's Association Community Service Award.

Last year, Gaines organized an African-American Health Jamboree. The second, scheduled for June 27, features free health screenings, radon-test kits, smoke detectors, immunizations and healthy snacks. It also offers education on domestic violence, drug awareness and other issues.

The jamboree has seven sponsors and more than 60 exhibitors.

As a physician, "I know it's much cheaper to teach people initially to live healthy and keep them healthy than it is to take sick people and try to make them well," Gaines says.

The jamboree grew out of efforts by Gaines to increase radon awareness in the African-American community. Her task was to promote radon awareness through collaborative community efforts and coalition building.

"It (the jamboree) was her brainchild," says William W. Summers IV, Louisville's deputy mayor.

When asked how she can do her job and be so involved in community issues, Summers says: "I think she's like a number of us. You recognize you have a commitment to give something back, and you make time. I think she tends to take advantage of all of her time."

An article in a Metro United Way newsletter on Gaines' contribution to the community called her a "leader" among women, physicians and African Americans.

Dr. Ralph Morris, a Louisville physician, agrees Gaines is a leader.

He cites her ability to tackle projects and see them to completion. For example, she was successful in bringing a regional National Medical Association convention to Louisville in the early 1980s. The National Medical Association is an association of minority doctors.

The only advice Morris has for Gaines is: "She needs to slow down. She's working quite hard.

"I really have a lot of respect for her," he says. "I marvel at her energy. She's doing this as a single head of household." Gaines is divorced.

State Sen. Gerald Neal worked with Gaines on health care issues that have been debated in the General Assembly. In 1992, Gaines was on the Governor's Health Care Task Force.

Neal described Gaines as "a person with a lot of energy" who "does things, as opposed to talking about them."

Neal says he called on Gaines because "she's active and visible, accessible," and she's always willing to help.

Gaines is asked to be involved because she is "very open-minded," says Sharon Williams, a friend and vice president of minority business development with the Louisville Area Chamber of Commerce.

"She has natural leadership abilities," Williams says. "She's a very effective communicator. I think she makes people feel comfortable."

Also, Gaines is "assertive," Williams says.

Gaines says she tries not to do too much. With that in mind, in December she resigned from several groups.

Gaines says she elects to serve on boards or participate in an organization if she believes she can have an impact and add a different viewpoint.

She says she devotes one-half to two-thirds of her time of community service.

"That has a dollar value," she says. "My accountant could tell you that he has reminded me it has a dollar value. But then I think there are some things that are above and beyond money, especially for minorities.

"And that, maybe ultimately it will make things better for my business and other people's businesses."

Gains learned more about the area in 1987 when she completed the Leadership Louisville program. She came to Louisville in 1977 to attend the University of Louisville Medical School.

"I loved it," she says of Leadership Louisville. "I'm a transplant. I've been here since 1977. And I kept my nose to the grindstone and had been very focused."

Leadership Louisville was "like going to school" and learning about the community, Gaines says. "It gave me probably the best teaching lesson in how Louisville really runs. It was an eye-opener."

During Leadership Louisville she met Christine Johnson, now the president of the organization. Leadership Louisville was founded in 1979 to develop a network of future community leaders.

"She has a wonderful laugh and terrific energy, and a very genuine warmth about her that makes her stand out," Johnson says. "She's a delightful person to be around. She has a real zest for life.

"There's also a serious side to her. She takes strong positions in meetings. She doesn't hesitate to speak up. She is outspoken. But she doesn't alienate people in the process."

Johnson calls Gaines a "shining example of what Leadership Louisville's all about."

Gaines says she isn't sure what the source is of her motivation.

Perhaps it comes from her parents.

"My mother was a driven individual," she says. "She's very aggressive."

Her mother, Marie Madry, says she sees a lot of her late husband, Maurice, in Beverly. Maurice Madry died in 1973.

"He was a wonderful person," says Marie Madry, 77. "Beverly has his personality. She just loves people, and so did he."

Maurice Madry was a landscaper for the city of Columbus. He also sold flowers and vegetables from his own stand.

Gaines says of her late father: "My father could meet and greet. He had a high school education. When we sold flowers, winos would speak to him, doctors and lawyers would speak to him. He could just deal with people. I never saw my father mishandle a human being. He was always a kind, respectful individual.

"My father died, though, when I was in college," she says. She adds that if she has any regret in her life, it's that "he did not live to see me graduate." Gaines has her undergraduate degree in natural sciences from Case Western Reserve University in Cleveland.

Before speaking about her family, Gaines says she has to reach for the Kleenex.

"I came from a family that had real values," Gaines says.

Her only sibling is a brother, Philip, who is five years older. He is a journalist by trade who now works for a youth program in Columbus.

Because she has a large number of cousins, Gaines never had a baby sitter. She remembers getting together and playing the piano and sewing with her family.

She always did well in school.

"I never thought about not doing well," Gaines says. "I never thought about not doing my work."

As for her career choice, Gaines says: "I wanted to be a doctor since I can remember wanting to be anything."

Even when she was small, she would fix her father's cuts.

"I loved taking care of his wounds," Gaines says. "And I never wanted to be anything else."

The only time she deviated from her desire to be a physician was in college. She joined a pre-med club and heard someone talk about the odds of becoming a physician.

So Gaines got a minor in education and obtained the credentials needed to teach science in case she didn't get into medical school.

But she was accepted into the University of Kentucky medical school.

She got married in her first year of medical school in July 1975. Her husband, Samuel, joined her in Lexington to get his master's degree in business administration. After he got his degree, he was looking for a job. He found work with IBM in Louisville. Gaines started at UK and transferred to U of L for her last two years of medical school.

She finished her postgraduate training in December 1982.

In January 1983, she began working with a doctor in Indiana. During that time she was pregnant with Samuel, who was born in November 1983.

Sharon Williams suggested Gaines open her own office. At the time, Williams was with Citizens Fidelity Bank, now PNC Bank.

Williams says she met Gaines when Gaines took care of Williams' daughter.

In April 1984, Gaines opened an office with a partner, Ron Jones, at 1170 E. Broadway.

Jones left in 1987 to take a job offer in Arizona. In the same year, Gaines had back surgery.

"1987 was a terrible year, actually. Ron left in '87. We knew before I got sick (injured) he was going to leave. He got a job offer in Phoenix. That was probably the worst thing that happened and the best thing that happened, all in the same ball of wax.

"We weren't making that much money. We were seeing patients, but we weren't real good business people, so we weren't good on collections. When he left, because I had never been involved in the business side, I was forced to learn about the buiness. I hired a consultant from my bed, after I had back surgery. And I had back surgery in May; he left in August. I didn't come back to work until September."

Gaines' doctor originally had released her to work June 1987.

On her first day back, however, her car was hit from behind while she was driving home from the office.

She was out about an additional six weeks.

The consultant she hired to help with her business stayed for two years, initially working every day, one on one. When the consultant left, "it was like cutting an umbilical cord."

"By mid-'88 I was on a roll," Gaines says. "I was back on my feet."

In discussing her medical practice, Gaines notes: "In medicine, we've always enjoyed a good living. A lot of people are afraid to say that, but I'm not. I make more money than anybody in my family's ever made. If I probably make half next year what I made this year, I'll still make more money than anybody in my family. I'm not afraid to say that.

"If I have to make a little less to support health care reform, I could probably live with that. I'm not coming from here (she holds her hand up). I'm coming from here

(she lowers her hand). I have too many cousins and uncles and aunts probably who need health insurance. . ."

Gaines does mention the fact she has a medical license in Florida, and jokes about moving down there and putting up her umbrella on the beach when she's ready to treat patients.

Gaines got the license in 1991, after a doctor she knows in Miami suggested she take over the doctor's practice there.

Gaines says she has no plans to move to Florida.

"I think you always should keep your options open," Gaines says. "I've had 10 good years," she says. "I'm very grateful for the 10 years I had. I hope I have 10 more like it. I might not."

With all her work, she says her only hobbies are her children. Even her daughter has told her, "you need to get a life."•

ADDITIONAL COSPONSORS TO S. 2243, A BILL TO AMEND THE FISHERMEN'S PROTECTIVE ACT

• Mr. STEVENS. Mr. President, I ask for unanimous consent that my colleague from Oregon, Senator HATFIELD, and my colleague from Idaho, Senator CRAIG, be added as cosponsors to my bill, S. 2243, to amend the Fishermen's Protective Act.

This amendment would allow United States fishermen who are being forced to pay an illegal transit fee in Canada to be reimbursed for paying in advance to avoid vessel seizures.

I am very pleased that Senator HATFIELD and Senator CRAIG are joining Senators GORTON, MURRAY, MURKOWSKI, PACKWOOD, and me in this effort. We hope that the Senate will support the expeditious passage of this important bill.•

STATEMENTS OF TRIBUTE TO LATE FIRST LADY JACQUELINE KENNEDY ONASSIS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senators may have until Wednesday, July 13, to submit statements of tribute to the late First Lady Jacqueline Kennedy Onassis.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING PRINTING OF STATEMENTS AS A SENATE DOCUMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 235, a resolution to authorize the printing of statements made in tribute to the late First Lady Jacqueline Kennedy Onassis submitted earlier today by the distinguished Senator from Maine [Mr. MITCHELL] and the Republican leader, and others, and that the resolution be agreed to and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 235) was agreed to, as follows:

S. RES. 235

Resolved, That there shall be printed as a Senate document a collection of statements made in tribute to the late First Lady of the United States, Jacqueline Kennedy Onassis, together with appropriate illustrations and other materials relating to her death.

INCREASING FUNDS TO BANKING COMMITTEE FOR HIRING CONSULTANTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 236, a resolution to increase the portion of funds available to the Committee on Banking for the purpose of hiring consultants, submitted earlier today by the distinguished Senator from Maine [Mr. MITCHELL], and the Republican leader, that the resolution be agreed to, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 236) was deemed agreed to, as follows:

S. RES. 236

Resolved, That section 6(c)(1) of Senate Resolution 71 (103d Congress, 1st Session) is amended by striking "$1,000" and inserting $300,000".

FOREST ECOSYSTEM RESEARCH LABORATORY AUTHORIZATION ACT OF 1994

Mr. LEAHY. Mr. President, I ask unanimous consent that the Agricultural Committee be discharged from further consideration of S. 2155, the Forest Ecosystem Research Laboratory Authorization Act of 1994; that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2155) was deemed read three times, and passed, as follows:

S. 2155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Ecosystem Research Laboratory Authorization Act of 1994".

SEC. 2. FOREST ECOSYSTEM RESEARCH LABORATORY.

(a) IN GENERAL.—Subject to the availability of funds appropriated under subsection (c), the Secretary of Agriculture, acting through the Cooperative State Research Service, shall provide the Federal share of the cost of planning and constructing a Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, Oregon.

(b) FEDERAL SHARE.—The Federal share provided under subsection (a) shall be 50 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

Mr. HATFIELD. Mr. President, as we all know, the forests of the Pacific Northwest have been at the center of an intense national debate for several years now. As an active participant in these discussions, I am constantly reminded that many of the solutions to the management of these forests are heavily dependent on sound and accurate scientific information. That is why I introduced the Forest Ecosystem Laboratory Authorization Act in May of this year. I would like to thank the chairman and ranking member of the Agricultural Committee, Senators LEAHY and LUGAR for their quick and expedient consideration of this important bill.

The purpose of this legislation is to help us improve our understanding of the complexities of our forests. Specifically, the bill will authorize the construction of the Forest Ecosystem Research Laboratory at Oregon State University in Corvallis, OR, which serves as the focal point for forestry research in our country.

This new building will provide a modern facility to support innovative research in critical areas of forest ecology and utilization. The laboratory will improve the capacity of ongoing research activities of the Oregon Forest Research Laboratory which was founded at the University in 1941. It will also unite the personnel of the existing departments of Forest Science and Forest Products with the Forest Research Laboratory. Research conducted in the Forest Ecosystem Research Laboratory will focus on such important questions as the impact of climate change on forest, forest health, biotechnology, the structure and function of forests, sustainable forestry, and designing new products from a changing resource base.

I strongly believe the Oregon Forest Ecosystem Research Laboratory will provide us with an uniquely valuable tool for the development of sound, scientifically based ecosystem management for the 21st century and would like to thank Senators LEAHY and LUGAR for their assistance in bringing this important bill to the floor for consideration by the full Senate.

ORDERS FOR TOMORROW

Mr. LEAHY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, June 30; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; and that immediately thereafter, the Senate proceed to the consideration of Calendar Order No. 484, H.R. 4506, the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. LEAHY. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:21 p.m., recessed until Thursday, June 30, 1994, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 19, 1994:

SECURITIES AND EXCHANGE COMMISSION

STEVEN MARK HARTE WALLMAN, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1997.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.